

Title 17

CITY OF ABERDEEN ZONING CODE

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Chapter 17.04
GENERAL PROVISIONS

Sections:

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17.04.00A ARTICLE 1. TITLE AND PURPOSE

17.040.010 Title. Chapters 17.04 through 17.96 shall be known as the "Aberdeen Zoning Code." (Prior code § 11.001.010)

17.040.020 Effect. Chapters 17.04 through 17.96, and the zoning map thereby adopted, shall regulate the use and development of land and water within the city of Aberdeen. (Prior code § 11.001.020)

17.04.030 Purpose. Chapters 17.04 through 17.96 constitute an official land use control for the city of Aberdeen, state of Washington, adopted and established to serve the public health, safety and general welfare; to encourage the appropriate use of land throughout the city; to encourage the development of an attractive community; to lessen traffic congestion and accidents; to prevent the overcrowding of land; to avoid undue concentration of population; to promote coordinated development of un-built areas; to encourage the formation of neighborhood and community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements; and to provide a means for carrying out the goals and policies of the city of Aberdeen comprehensive development plan. (Prior code § 11.001.030)

17.04.039A ARTICLE 2. DEFINITIONS

17.04.040 Purpose. This article contains the definitions of words to clarify the meaning of the goals, policies and regulations within this title. (Prior code § 11.002.010)

17.04.050 General meaning. When not inconsistent with the context, words in the present tense shall include the future, and the future the present. Words used in the singular number shall include the plural number, and the plural the singular. (Prior code § 11.002.020)

17.04.060 Definitions in other chapters. Certain chapters include specific definitions within them. Please see those chapters for the definitions. If there is a discrepancy between the

definitions in this chapter and the specific definitions in a chapter, the definitions in that chapter shall control within that chapter and the definitions in this chapter shall control in balance of the title. (Prior code § 11.002.030)

17.04.070 Definitions. Certain terms, words, and phrases in this ordinance shall be interpreted or defined as follows:

"Access" means way or means of approach to provide physical entrance to a property.

"Accessory building" means a minor building that is located on the same lot as a principal building and is used incidentally to a building that houses a principal use, including gazebos, garages, carports, sheds, green houses, patio covers, solariums, and similar roofed structures.

"Accessory use" means a subordinate use, which is customarily incidental to the permitted use.

"Administrator" means the Aberdeen planning and economic development department.

"Adult entertainment establishment" shall include any adult cabaret or adult entertainment facility as defined under chapter 5.34 of the Aberdeen Municipal Code.

"Alley" means a public right-of-way at least ten feet wide but not more than twenty (20) feet wide, which has been dedicated or deeded to the public for public use affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

"Annexation" means the incorporation of a land area into the city of Aberdeen with a resulting change in boundaries.

"Bed and breakfast inn" means any building or group of buildings on the same lot in which the operator lives in one of the buildings and offers one or more guest room for rent where the guests do not stay for more than thirty (30) consecutive days.

"Board of adjustment" means the city of Aberdeen Board of Adjustment.

"Bond" means a surety bond, cash deposit, escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to, or required by, the city to guarantee work is in compliance with all applicable city requirements.

"Boarding house" means any building or group of buildings located on the same lot containing a total of more than five guest rooms and where means are provided by the management as a part of the consideration for the guest rooms.

"Buildable area" means the space remaining on a building lot after the minimum zoning requirements, including but not limited to lot coverage, building setbacks, landscaping, and parking, have been met.

"Building" means a structure used or intended for supporting or sheltering any use or occupancy.

"Building height" means the vertical distance of a building measured from the average elevation of the finished grade measured where the walls will intersect the ground to the highest point of the roof.

"Building setback line" means a line, which establishes a definite point beyond which the foundation of a building shall not extend.

"Caretaker's residence" means a dwelling unit located on the premises of a commercial, industrial or public enterprise, and which is occupied by a person who is the owner, proprietor, manager, watch guard, or is otherwise at times in charge of such enterprise.

"Change of use" means any use, which substantially differs from the previous use of a building or land.

"Child care facility" means a building or structure where an agency, person or persons regularly provide care for a group of children for periods less than twenty-four (24) hours per day, as home day care, mini day care, and commercial day care.

"Child day care" means provision of supplemental parental care and supervision for a non-related child or children, on a regular basis for less than twenty-four (24) hours per day and under license by the Washington State Department of Social and Health Services. The term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's home. Likewise, the term is not intended to include cooperative, reciprocative childcare by a group of parents in their respective homes.

Child Day Care Types.

"Home day care" means a child care facility for the care of ten or fewer children located in the family dwelling of the provider. Members of the resident family must provide all services.

"Mini day care" means a child care facility for the care of twelve (12) or fewer children; when located in a residence, the portion where the children have access must be separate from the family living quarters, or that portion where the children have access must be used exclusively for their care during the hours that the child care center is operating.

"Commercial day care" means a childcare facility for the care of thirteen (13) or more children.

"Church" means a building intended primarily for religious worship and accessory uses including Sunday School, religious education classrooms, assembly rooms, a kitchen, a library or reading room, a recreation hall, a one family dwelling for religious staff, but excluding child care services, parochial schools, and facilities for the training of religious orders.

"Club" means a nonprofit, social organization whose premises are generally restricted to members and their guests.

"Cluster" means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and the preservation of sensitive features.

"Cluster subdivision" means a form of development for residential subdivisions that permits a reduction in requirements and allows common wall construction techniques; provided, there is no increase in the number of lots or the number of dwellings permitted under a conventional subdivision and the resultant land is devoted to open space.

"Conditional use" means a category of uses listed within a zoning district that requires review before the board of adjustment to determine their compatibility with the surrounding area and comprehensive plan.

"Day" means a calendar day beginning at midnight and ending on the following midnight.

"Density" means the total number of square feet in a lot divided by the number of dwelling units located on the lot.

"Department" means the Aberdeen Planning and Economic Development Department.

"Dwelling" means a building designed exclusively for residential purposes, including single-family, duplexes and multiple family dwellings, but not including hotels or motel units without a kitchen.

Dwelling Types.

"Condominium" means a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a

proportional, undivided basis. Condominiums, cooperatives and like property and buildings shall be treated in this title in a like manner regardless of whether the properties and buildings are condominiums, cooperatives, or are in a single ownership. This provision applies to residential, commercial and industrial condominiums and cooperatives.

"Duplex" means a structure on a single lot containing two dwelling units each of which is totally separated from the other by a common wall.

"Dwelling unit" means one or more rooms, designed, occupied or intended for occupancy as separate living quarters with sleeping and sanitary facilities provided within the dwelling unit for use of a single family maintaining a household.

"Multiple family dwelling" means a building containing three or more dwelling units.

"Single-family dwelling" means a building containing one dwelling unit on a lot intended for occupancy by one family.

"Town home" means a building designed exclusively for occupancy by one family and containing one dwelling unit, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls which may be located on lot side lines.

"Eating and drinking places" means retail establishments selling food and/or drink.

"Excavation, surface" means removal or recovery of soil, rock, minerals or organic substances other than vegetation, from land or land on or beneath the surface of water; provided, however, that dredging for navigational purposes or excavation for utilities shall not be included within this definition.

"Family" means an individual, or two or more persons related by blood, marriage or legal custody, or a group of not more than five persons who are not all related by blood, marriage or legal custody living together in a dwelling unit.

"Fence" means a structure serving as a barrier that wholly or partially encloses a field, yard, or other real property, excluding retaining walls not more than one foot above finished grade, for the purposes of this title, plant material is not considered a fence.

"Gross floor area" means the total usable horizontal area of a building, excluding attics.

"Group care living facilities" means a residential service facility of which staff persons are present on a continuous basis for the purpose of treating, caring for, teaching, training or supervising five or more persons. Facilities included in this definition include, but are not limited to, convalescent homes, rest homes and group homes.

"Home occupation" means a commercial activity that is conducted within a dwelling unit or an accessory building by the person(s) residing on the property and which is secondary to the use of the premises as a dwelling unit.

"Hotel" means a facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities. See motel, boarding house, and bed and breakfast inn.

"Junk" means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition.

"Kennel" means a premises where four or more dogs, cats or combination thereof, of at least six months of age, are kept by the owners of the animals or by persons providing facilities and care, whether or not compensation is involved. May include indoor and outdoor runs.

"Landscaping" means a strip of land with plants, hedges, fences, walls or similar screening used to visibly separate one use from another or to shield or block noise, glare, or other nuisances.

"Lot" means a tract of land lawfully established and officially recorded in the county auditor's office, whether described by metes and bounds and/or by lot or by lot and block designation in a recorded plat, which constitutes a unit of land under single ownership with a minimum of twenty (20) feet of frontage on an improved street.

"Lot area" or "lot size" means the total horizontal area included within the legally defined boundaries of the lot, excluding public rights-of-way.

Lot, corner. The term "corner lot" means a lot at the junction of and abutting on two or more streets where the angle of intersection is one hundred thirty (130) degrees or less.

"Lot depth" means the horizontal distance between the mid point of the front lot line and the mid point of the rear lot line.

Lot, Interior. The term "interior lot" means a lot other than a corner lot.

Lot Line, Front. The term "front lot line" means, for corner lots, the shortest boundary of the lot abutting a street. For interior lots, the boundary abutting the street except for "panhandle" lots where the front lot line shall be the boundary line (extended the width of the lot), which represents the intersection of the driveway portion of the lot with the buildable area of the lot.

"Lot line, rear" means the boundary of the lot opposite and most nearly parallel to the front lot line.

"Lot line, side" means any lot line which is not a front lot line or a rear lot line.

"Lot width" means the mean horizontal dimension of a lot measured between the side lot lines, approximately parallel to the street frontage.

"Metes and bounds" means a means of legally describing land where a high degree of accuracy is required. Metes refers to distances, where bounds refers to boundaries revealed by monuments and landmarks. The description starts at an easily identifiable point of beginning, following boundaries for precise distances and ultimately returning to the point of beginning.

"Mobile home" means a residential unit, which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of manufactured home. A commercial coach or recreational vehicle is not a manufactured home.

"Manufactured home park" means a tract of land under single ownership or control upon which two or more manufactured homes occupied as dwellings may be located.

"Motel" means a facility offering accommodations containing five or more rooms with at least twenty-five (25) percent having direct access to the outside without the necessity of passing through the main lobby of the building. See hotel, boarding house, and bed and breakfast inn.

Nonconforming. See Chapter 17.92.

"Open space" means an area that is legally and practically accessible to the residents of the development that is not encumbered with any substantial structure, devoted to use as a roadway, parking area or sidewalk and is left in its natural or undisturbed state as of the date development began. Minor improvements may be made to open space areas to accommodate the cutting of trails or if un-wooded, to landscape for ball fields, picnic areas and similar facilities or

to create a wooded or natural area. No more than twenty-five (25) percent of an open area may lie within a floodplain or floodway.

"Ownership" means possession of real estate or a legal contract to purchase or lease real estate, assigning sole or preemptive right to use or occupy real estate for a specified period of time.

"Permitted use" means a use by right, which is specifically authorized in a particular zoning district.

"Personal and professional services" means beauty and barber shops; offices for doctors, dentists and others engaged in human healing arts; provided, no overnight care is given; mortuary; offices for engineers, attorneys, architects, real estate, insurance, travel agencies, ambulance services and bail bonds; and other services similar to the above to which the sale or repair of merchandise or equipment is incidental.

"Planning commission" means the city of Aberdeen planning commission.

"Primary use" means the main use of land or structures as distinguished from an accessory use.

"Public and semi-public uses" means a structure or activity housing such uses as public and private schools, public assembly areas, public and private recreational facilities, places of worship, mortuaries and cemeteries, libraries, police and fire stations, public parking areas, fish hatcheries and pens, and watersheds; excluding those listed as unclassified uses.

"Recycling drop box" means a structure or box with a top, enclosed on four sides, and with an opening or door in which recyclable materials are placed or deposited. A recycling drop box under this definition shall have no more than two hundred (200) square feet of floor area. Included within this definition are metal recycling collection drop boxes and recycling reverse vending machines. Recycling drop boxes may be within or outside of a building.

"Recreational open space" means a portion of a lot or a building available for the recreational use of the residents of the lot.

"Recreational vehicle" means a vehicular type unit designed as temporary living quarters for recreational camping or travel uses, with or without motive power. This definition includes vehicles such as travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not a mobile home.

"Recreational vehicle park" means a private or public recreational facility on which two or more recreational trailers or vehicles are parked or located.

"Sales, incidental wholesale/retail" means occasional wholesale and/or retail sales less than fifty (50) percent the total sales volume conducted on or from a business premises.

"Sales, second hand" means sales of items previously used by other persons.

"Sales, retail" means sales for direct consumption and not for resale.

"Sales, wholesale" means sales for resale, not for direct consumption.

"Sign" means any device that is sufficiently visible to persons not located on the lot where such device is located and is designed to attract the attention of such persons or to communicate information to them.

Sign Types.

"Sign, billboard" means any message, word, symbol, design, picture or visual medium which is intended to draw attention to a product, service, business, person, institution, location and is placed or painted on the ground, or on any tree, wall, fence, rock, structure or thing whatsoever and place thereon, whether indoor or outdoor, so as to be visible from off premises exclusive of legal notices, safety and directional signs posted by public agencies.

"Sign, freestanding" means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

"Sign, off-premises" means a sign that draws attention to or communicates information about a business, service, or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.

"Sign, portable" means a sign that is not permanently affixed to a building, structure, or the ground except for temporary signs.

"Sign, temporary" means a sign that: (a) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (b) is intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

"Special use" means a category of uses listed within a zoning district that requires review before the Planning Commission and city Council to determine their compatibility with the surrounding area and comprehensive plan.

"Street" means land designated by the city of Aberdeen or the State of Washington as a thoroughfare and which affords the primary means of access to abutting property or private land.

"Surface, impervious" means ground or covered ground through which water cannot percolate.

"Unclassified use" means a use possessing characteristics of such unique and special form as to make impractical its being made automatically and consistently permissible in any defined classification or zone as set forth in this title, such as airports, landing fields, heliports, correctional institutions, public transit facilities, power-generating plants, utility booster stations and conversion plants, sewage treatment plants, quarrying and mining, and commercial excavation.

"Urban services area" means that area, both within the city and outside it, which is either presently served or is slated to be served by the water and sewer systems of the city of Aberdeen.

"Use" means the activity or function that actually takes place or is intended to take place on a lot.

"Variance" means a device granted by the board of adjustment which provides relief to a property owner from certain provisions of this title when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in the denial of the rights and privileges allowed to other properties in the vicinity.

"Vision clearance triangle" means formed by the intersection of two street right-of-ways.

"Yard" means an open space abutting a lot line unobstructed and unoccupied from the ground upward except for certain exceptions allowed herein. A yard shall be measured at right angles to the lot line and shall extend into the lot to the depth required by this title.

"Yard, front" means a yard extending the full width of the lot abutting the front lot line to the depth required by this title.

"Yard, rear" means a yard extending the full width of the lot abutting the rear lot line to the depth required by this title.

"Yard, side" means a yard which extends from the front yard, or front lot line where no front yard exists, to the rear yard or rear lot line where no rear yard exists and abutting a side yard lot to the depth required by this title. (Prior code §§ 11.002.040--11.002.300)

Chapter 17.08

USE CLASSIFICATIONS AND ZONING MAP

Sections:

- 17.08.010 Classifications.**
- 17.08.020 Zoning map.**
- 17.08.030 Conflicts between the text and the zoning map.**
- 17.08.040 Interpretation of zoning boundaries.**
- 17.08.050 Interpretation of code.**
- 17.08.060 Limitations on land use and land division.**
- 17.08.070 Charter authorization for title.**

17.040.010 Classifications. In order to accomplish the purposes and goals of this title, the following primary and combining use classifications are established in which regulations are prescribed concerning the permitted uses; conditional uses; special uses; lot, yard, and building requirements; density; off-street parking; and other requirements:

Single-family District	R-S
Multiple-Family District	R-M
Residential Professional District	R-P
Major Institution District	M-I
Commercial Residential District	C-R
Downtown Commercial District	C-D
General Commercial District	C-G
Waterfront Development District	W-D
Light Industrial District	I-L
Industrial District	I
Planned Unit Development	PD
Manufactured Home Subdivision	MHS
Cluster Subdivision	CS
(Prior code § 11.003.010)	

17.08.020 Zoning map. The location and boundaries of the various zones are shown on the city of Aberdeen Zoning Map. Changes in the boundaries of the zones shall be completed pursuant to Chapter 17.64. A copy of the zoning map shall be maintained by the city and shall be changed to reflect all amendments. (Prior code § 11.003.020)

17.08.030 Conflicts between the text and the zoning map. If any conflict between the zoning map and the text of this title arises, the text of this title shall prevail. (Prior code § 11.003.030)

17.08.040 Interpretation of zoning boundaries. Where uncertainty exists as to the boundaries of any zone shown upon the zoning map or any part thereof, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following lot lines or platted lot line lines, such lines shall be construed to be such boundaries.

- B. In the case of un-subdivided property where a zone boundary divides such property the location of the boundary, unless indicated on the map by dimensions, shall be determined by the use of the scale on the zoning map.
- C. Where a public street or alley is officially vacated, the area thereof shall acquire the classification of the property to which it reverts.
- D. Where a railroad line is officially abandoned, the area of the right-of-way shall acquire the classification of the zone or zones in which it is located. If the right-of-way was a boundary between zones, the zones shall be evenly extended to the center of the right-of-way.
- E. Where a zone boundary is shown on the map as a street, alley, waterway, or railroad, the boundary shall be the centerline of the street, alley, waterway, or railroad.
- F. The areas of dedicated streets, dedicated alleys, waterways, and railroad rights-of-way shall be deemed unclassified. (Prior code § 11.003.040)

17.08.050 Interpretation of code. In their interpretation and application, the provisions of the ordinance codified in this title shall be held to be the minimum requirements of the promotion of the public health, safety and general welfare. Except as specifically herein provided, it is not intended by this title to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law, regulation or permit previously issued, relating to the construction, establishment, moving, alteration or enlargement of any building or improvements, nor is it intended to interfere with or abrogate or annul any easement, covenant or other agreement between parties. (Prior code § 11.003.050)

17.08.060 Limitations on land use and land division. Except as provided in this title, no building or structure shall be erected, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose except as provided and allowed in the zone in which such building, structure, land, wetland or water is located and the other requirements of this title. Nor shall any lot or parcel of land be created, partitioned, divided or subdivided except as provided and allowed in the district in which the land or lot is located and the other requirements of this title. Nor shall any lot or parcel of land which was created or subdivided in violation of this title be sold. (Prior code § 11.003.060)

17.08.070 Charter authorization for title. Section 37 and Section 55 of the city of Aberdeen Charter authorize the city to adopt regulations designed and to promote the public health, safety, and welfare of its citizenry. This title is adopted pursuant to those sections of the city of Aberdeen Charter. (Prior code § 11.003.070)

Chapter 17.12

R-S SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

17.12.010	Purpose.
17.12.020	Permitted uses.
17.12.030	Conditional uses.
17.12.040	Special uses.
17.12.050	Unclassified uses.
17.12.060	Minimum lot size and density.
17.12.070	Building Height.
17.12.080	Maximum lot coverage.
17.12.090	Yards.
17.12.100	Parking.
17.12.110	General provisions and special conditions.
17.12.120	Signs and lighting.

17.12.010 Purpose. The purpose of the R-S district is to protect and maintain Aberdeen's single-family residential neighborhoods in a manner that encourages neighborhood revitalization where needed. Suitable undeveloped areas are designated single-family residential to provide for increased residential development and to designate the major public parks, schools, and semi-public use which currently exist or are proposed. The single-family residential district should provide a full range of low intensity housing opportunities. (Prior code § 11.004.010)

17.12.020 Permitted uses. In the R-S district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Single-family dwellings;
- B. Mobile homes;
- C. Home day care. (Prior code § 11.004.020)

17.12.030 Conditional uses. The following uses and expanded uses are allowed within the R-S district subject to obtaining a conditional use permit as provided in Chapter 17.68:

- A. Duplexes and town homes;
- B. Mini day care;
- C. Public and semi-public uses;
- D. Nursery, orchards and farming including the retail sales of produce grown on the premises;
- E. Group care living facilities;
- F. Reuse of public schools for public and private recreational uses and public uses consistent with the other policies of the comprehensive development plan;
- G. Bed and breakfast inns within a dwelling, which comply with all of the following standards:
 - 1. No more than four guest rooms are offered for rent,
 - 2. The operator must live in the dwelling,

- 3. One off-street parking space is provided for each guest room in addition to the number required for the dwelling,
- 4. Excepting for required fire and safety improvements, no exterior alterations may be made which will change the appearance of the dwelling from that of a single-family residence,
- 5. Only resident guests may be served meals,
- 6. No guest may stay for more than thirty (30) consecutive days;
- H. Aquaculture and fish production structures and facilities (including net pens) operated by for profit organizations;
- I. Fish processing facilities operated by for profit organizations provided the facility is accessory to a fish production facility;
- J. Mobile home park. (Prior code § 11.004.030)

17.12.040 Special uses. The following uses are allowed within the R-S district subject to the applicable provisions of this title and by obtaining a special use permit as provided in Chapter 17.72 or as a planned development/cluster subdivision Chapter 17.52:

- A. Planned developments;
- B. Town homes and cluster subdivisions on sites at least one acre in size;
- C. Mobile home subdivisions. (Prior code § 11.004.040)

17.12.050 Unclassified uses. The following uses are allowed within the R-S district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants;
- F. Sewage treatment plants;
- G. Quarrying and mining, commercial excavation. (Prior code § 11.004.045)

17.12.060 Minimum lot size and density. In the R-S district:

- A. Minimum lot size: five thousand (5,000) square feet.
- B. Density: seven units per acre or six thousand two hundred twenty-three (6,223) square feet per unit.
- C. Minimum lot width: fifty (50) feet. (Prior code § 11.004.050)

17.12.070 Building Height. In the RS district:

- A. Maximum building height: thirty-five (35) feet, except as provided in Section 17.12.090(E)(2).
- B. Accessory buildings: one story or twenty (20) feet in height.
- C. The average elevation of finished top of the railing for non-roofed decks and landings more than six feet above the average elevation of the finished grade shall comply with Section 17.12.090. (Prior code § 11.004.060)

17.12.080 Maximum lot coverage. In the R-S district, maximum lot coverage for all primary and accessory buildings shall not exceed forty (40) percent of the total lot area. (Prior code § 11.004.070)

17.12.090 Yards. In the RS district:

- A. See Section 17.88.040(A) for landscaping in yards.
- B. Minimum front yard: twenty (20) feet.
- C. Minimum side yard: five feet, or ten feet abutting a street.
- D. Minimum rear yard: five feet.
- E. For lots with an average slope of greater than one foot vertical in seven feet of horizontal distance;
 - 1. The required front yard may be reduced to ten feet.
 - 2. The height limit may be increased up to ten feet.
- F. The distance between on-site buildings shall not be less than six feet. (Prior code § 11.004.080)

17.12.100 Parking. In the R-S district, parking shall be provided as required by Chapter 17.60. (Prior code § 11.004.090)

17.12.110 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the R-S district. (Prior code § 11.004.100)

17.12.120 Signs and lighting. In the R-S district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.004.110)

Chapter 17.16

R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.16.010 Purpose.**
- 17.16.020 Permitted uses.**
- 17.16.030 Conditional uses.**
- 17.16.040 Special uses.**
- 17.16.050 Unclassified uses.**
- 17.16.060 Minimum lot size and density.**
- 17.16.070 Building Height.**
- 17.16.080 Maximum lot coverage.**
- 17.16.090 Yards.**
- 17.16.100 Special site improvements.**
- 17.16.110 Parking.**
- 17.16.120 General provisions and special conditions.**
- 17.16.130 Signs and lighting.**

17.16.010 Purpose. The purpose of the R-M district is to provide for residential neighborhoods with a mix of multi-family residences in areas where the available or planned public facilities are adequate for the allowed density. The area contains provisions to ensure that adequate public facilities and amenities are provided and to designate the major public parks, schools and semi-public uses, which currently exist or are proposed. The area also contains requirements to increase compatibility between this area and the single-family residential area. (Prior code § 11.005.010)

17.16.020 Permitted uses. In the R-M district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Duplexes and town homes;
- B. Multiple-family dwellings;
- C. Single-family dwellings;
- D. Home day care and mini day care;
- E. Mobile homes. (Prior code § 11.005.020)

17.16.030 Conditional uses. The following uses are allowed within the R-M district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Public and semi-public uses;
- B. Fish processing facilities operated by for-profit organizations, provided the facility is accessory to a fish production facility;
- C. Group care living facilities;
- D. Reuse of public schools for public and private recreational uses and public uses consistent with the other policies of the comprehensive development plan;
- E. Bed and breakfast inns within a dwelling, which comply with the following standards:

1. No more than eight guest rooms are offered for rent,
2. The operator must live in the dwelling,
3. One parking space is provided for each guest room in addition to the number required for the dwelling,
4. No exterior alterations may be made which will change the appearance of the dwelling from that of a residence,
5. Only resident guests may be served meals,
6. No guest may stay for more than thirty (30) consecutive days;
- F. Boarding houses, dormitories, and single-room occupancy dwellings;
- G. Aquaculture and fish production structures and facilities (including net pens) operated by for profit organizations;
- H. Commercial day care;
- I. Mobile home park. (Prior code § 11.005.030)

17.16.040 Special uses. The following uses are allowed within the R-M district subject to the applicable provisions of this title and by obtaining a special use permit as provided in Chapter 17.72 or as a planned development/cluster subdivision Chapter 17.52:

- A. Planned developments.
- B. Cluster subdivisions on sites at least one acre in size.
- C. Mobile home subdivisions. (Prior code § 11.005.040)

17.16.050 Unclassified uses. The following uses are allowed within the R-M district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants. (Prior code § 11.005.045)

17.16.060 Minimum lot size and density. In the R-M district:

- A. Minimum lot size: five thousand (5,000) square feet.
- B. Density: twenty-nine (29) units per acre or one thousand five hundred (1,500) square feet per unit.
- C. Minimum lot width: fifty (50) feet. (Prior code § 11.005.050)

17.16.070 Building height. In the R-M district, maximum building height: thirty-five (35) feet, except as provided in Section 17.16.090(E)(2). (Prior code § 11.005.060)

17.16.080 Maximum lot coverage. In the R-M district, maximum lot coverage for the primary and accessory building shall not exceed forty (40) percent of the total lot area. (Prior code § 11.005.070)

17.16.090 Yards. In the R-M district:

- A. See Section 17.88.040(A) for landscaping in yards.
- B. Minimum front yard: twenty (20) feet.

- C. Minimum side yard: five feet, or ten feet abutting a street.
- D. Minimum rear yard: five feet.
- E. For lots with an average slope of greater than one foot vertical in seven feet of horizontal distance;
 - 1. The required front yard may be reduced to ten feet.
 - 2. The height limit may be increased up to ten feet.
- F. The distance between on-site buildings shall not be less than six feet. (Prior code § 11.005.080)

17.16.100 Special site improvements. All new development in the R-M district, excepting single-family and duplex dwellings, shall be required to construct a sidewalk along all lot lines adjacent to city streets. If the city engineer deems existing sidewalks sound, new sidewalks need not be constructed. (Prior code § 11.005.090)

17.16.110 Parking. In the R-M district, parking shall be provided as required by Chapter 17.60. (Prior code § 11.005.100)

17.16.120 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the R-M district. (Prior code § 11.005.110)

17.16.130 Signs and lighting. In the R-M district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.005.120)

Chapter 17.20

R-P RESIDENTIAL PROFESSIONAL DISTRICT

Sections:

17.20.010	Purpose.
17.20.020	Permitted uses.
17.20.030	Conditional uses.
17.20.040	Special uses.
17.20.050	Unclassified uses.
17.20.060	Minimum lot size and density.
17.20.070	Building Height.
17.20.080	Yards.
17.20.090	Signs and lighting.
17.20.100	Special site improvements.
17.20.110	Parking.
17.20.120	General provisions and special conditions.
17.20.130	Landscaping.

17.20.010 Purpose. The purpose of the R-P district is to provide a transition between downtown and other intense commercial areas and the adjacent residential neighborhoods and to enable the development of neighborhoods with a mix of high density residential, professional, and service uses in appropriate locations. To accomplish this transitional function, the allowed uses and design standards encourage an overall residential character. Nonresidential uses allowed in this designation typically generate low to moderate levels of traffic and parking demands, and operate during daylight hours so as to minimize potential impacts on adjacent residential uses. (Prior code § 11.006.010)

17.20.020 Permitted uses. In the R-P district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Multiple-family dwellings;
- B. Personal and professional services and incidental retail sales;
- C. Public and semi-public uses;
- D. Duplexes and town homes;
- E. Single-family dwellings;
- F. Child care facilities;
- G. Mobile homes. (Prior code § 11.006.020)

17.20.030 Conditional uses. The following uses are allowed within the R-P district subject to obtaining a conditional use permit as provided in Chapter 17.68:

- A. Group care living facilities;
- B. Reuse of public schools for public and private recreational uses and public uses consistent with the other policies of the comprehensive development plan;
- C. Bed and breakfast inns within a dwelling, which comply with the following standards:

1. No more than eight guest rooms are offered for rent,
 2. The operator must live in the dwelling,
 3. One parking space is provided for each guest room in addition to the number required for the dwelling,
 4. No exterior alterations may be made which will change the appearance of the dwelling from that of a residence,
 5. Only resident guests may be served meals,
 6. No guest may stay for more than thirty (30) consecutive days;
- D. Mobile home park. (Prior code § 11.006.030)

17.20.040 Special uses. The following uses are allowed within the R-P district subject to the applicable provisions of this title and by obtaining a special use permit as provided in Chapter 17.72 or as a planned development/cluster subdivision Chapter 17.52:

- A. Planned developments;
- B. Cluster subdivisions on sites at least one acre in size. (Prior code § 11.006.040)

17.20.050 Unclassified uses. The following uses are allowed within the R-P district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants. (Prior code § 11.006.045)

17.20.060 Minimum lot size and density. In the R-P district:

- A. Minimum lot size: five thousand (5,000) square feet.
- B. Density: twenty-nine (29) units per acre or one thousand five hundred (1,500) square feet per unit.
- C. Minimum lot width: fifty (50) feet. (Prior code § 11.006.050)

17.20.070 Building height. In the R-P district, maximum building height: thirty-five (35) feet. (Prior code § 11.006.060)

17.20.080 Yards. In the R-P district:

- A. See Section 17.88.040(A) for landscaping in yards.
- B. Minimum front yard: twenty (20) feet.
- C. Minimum side yard: five feet, or ten feet abutting a street.
- D. Minimum rear yard: five feet.
- E. For lots with an average slope of greater than one foot vertical in seven feet of horizontal distance:
 1. The required front yard may be reduced to ten feet.
 2. The height limit may be increased up to ten feet.
- F. The distance between on-site buildings shall not be less than six feet. (Prior code § 11.006.070)

17.20.090 Signs and lighting. In the R-P district, signs shall comply with the requirements of Chapter 17.84 requirements of this district. (Prior code § 11.006.080)

17.20.100 Special site improvements. All new development in the R-P district, excepting single-family and duplex dwellings, shall be required to construct a sidewalk along all lot lines adjacent to city streets. If the city engineer deems existing sidewalks acceptable, new sidewalks need not be constructed. (Prior code § 11.006.090)

17.20.110 Parking. In the R-P district, parking shall be provided as required by Chapter 17.60. (Prior code § 11.006.100)

17.20.120 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the R-P district. (Prior code § 11.006.110)

17.20.130 Landscaping. In the R-P district, landscaping shall comply with the requirements of Section 17.88. (Prior code § 11.006.120)

Chapter 17.24

M-I MAJOR INSTITUTIONAL DISTRICT

Sections:

17.24.010	Purpose.
17.24.020	Permitted uses.
17.24.030	Conditional uses.
17.24.040	Special uses.
17.24.050	Unclassified uses.
17.24.060	Minimum lot size and density.
17.24.070	Building Height.
17.24.080	Yards.
17.24.090	Signs and lighting.
17.24.100	Special site improvements-Sidewalks.
17.24.110	Parking.
17.24.120	General provisions and special conditions.
17.24.130	Landscaping.

17.24.010 Purpose. The purpose of the M-I district is to provide for major public or semi-public institutions and services centers to support the institutions. The area contains design standards to lessen the potential impact on nearby residential areas. (Prior code § 11.007.010)

17.24.020 Permitted uses. In the M-I district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Single-family dwellings;
- B. Multiple-family dwellings;
- C. Duplexes and town homes;
- D. Personal and professional services and incidental retail sales;
- E. Hospitals;
- F. Sanitaria, convalescent homes and rest homes;
- G. Pharmacies and the retail sales, rental and servicing of medical equipment;
- H. Child care facilities;
- I. Public and semi-public uses. (Prior code § 11.007.020)

17.24.030 Conditional uses. The following uses are allowed within the M-I district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Retail sales within a building of less than four thousand (4,000) square feet of gross floor space. The retail sales building shall front on and obtain its access exclusively from an arterial or collector street;
- B. Sit-down restaurants (including accessory lounges);
- C. Group care living facilities, excluding those permitted in Section 17.24.020(F);
- D. Bed and breakfast inns within a dwelling, which comply with the following standards:

1. No more than eight guest rooms are offered for rent,
 2. The operator must live in the dwelling,
 3. One parking space is provided for each guest room in addition to the number required for the dwelling,
 4. No exterior alterations may be made which will change the appearance of the dwelling from that of a residence,
 5. Only resident guests may be served meals,
 6. No guest may stay for more than thirty (30) consecutive day;
- E. Adult entertainment establishments. (Prior code § 11.007.030)

17.24.040 Special uses. The following uses are allowed within the M-I district subject to obtaining a special use permit as provided in Chapter 17.72 or as a planned development/cluster subdivision Chapter 17.52:

- A. Planned developments;
- B. Cluster subdivisions on sites at least one acre in size. (Prior code § 11.007.040)

17.24.050 Unclassified uses. The following uses are allowed within the M-1 district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants. (Prior code § 11.007.045)

17.24.060 Minimum lot size and density. In the M-I district:

- A. Minimum lot size: ten thousand (10,000) square feet.
- B. Density: twenty-nine (29) units per acre or one thousand five hundred (1,500) square feet per unit.
- C. Minimum lot width: fifty (50) feet. (Prior code § 11.007.050)

17.24.070 Building Height. In the M-I district, maximum building height for all uses: fifty-five (55) feet, except as provided in Section 17.24.080(D). (Prior code § 11.007.060)

17.24.080 Yards. In the M-I district:

- A. Minimum front yard: ten feet.
- B. Minimum size yard: five feet, or ten feet abutting a street.
- C. Minimum rear yard: five feet.
- D. For lots with an average slope of greater than one foot vertical in seven feet of horizontal distance the height limit may be increased up to ten feet.
- E. The distance between on-site buildings shall not be less than six feet. (Prior code § 11.007.070)

17.24.090 Signs and lighting. In the M-I district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.007.080)

17.24.100 Special site improvements-Sidewalks. All new development in the M-I district shall be required to construct a sidewalk along all lot lines adjacent to city streets. If the city engineer deems existing sidewalks acceptable, new sidewalks need not be constructed. (Prior code § 11.007.090)

17.24.110 Parking. In the M-I district, parking shall be provided as required by Chapter 17.60. (Prior code § 11.007.100)

17.24.120 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the M-I district. (Prior code § 11.007.110)

17.24.130 Landscaping. In the M-I district, landscaping shall comply with the requirements of Chapter 17.88. (Prior code § 11.007.120)

Chapter 17.28

C-R COMMERCIAL RESIDENTIAL DISTRICT

Sections:

17.28.010	Purpose.
17.28.020	Permitted uses.
17.28.030	Conditional uses.
17.28.040	Special uses.
17.28.050	Unclassified uses.
17.28.060	Minimum lot size and density.
17.28.070	Building Height.
17.28.080	Yards.
17.28.090	Signs and lighting.
17.28.100	Special site improvements.
17.28.110	Parking.
17.28.120	General provisions and special conditions.
17.28.130	Landscaping.

17.28.010 Purpose. The purpose of the C-R district is to provide the opportunity for appropriate types of professional, commercial and multi-family residential development on the major highway routes through Aberdeen while enabling the continuation of existing residential uses. Because of the opportunities provided by the state highways and transit service, a wide range of uses are allowed within the area. Provisions are included to improve compatibility between the wide-range of uses allowed by this zoning district. (Prior code § 11.008.010)

17.28.020 Permitted uses. In the C-R district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Personal and professional services (together with incidental retail sales) and offices;
- B. Retail sales within a building with a total of less than four thousand (4,000) square feet of gross floor area and sixteen (16) or fewer parking spaces;
- C. Single-family dwellings;
- D. Multiple-family dwellings;
- E. Duplexes and town homes;
- F. Hotels, motels, bed and breakfast inns, and meeting rooms and facilities;
- G. Residences incorporated within an allowed use;
- H. Public and semi-public uses;
- I. Child care facilities;
- J. Outdoor sales accessory to a permitted use only, with the exception of nurseries;
- K. Kennels and animal hospitals with inside runs. (Prior code § 11.008.020)

17.28.030 conditional uses. The following uses are allowed within the C-R district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Retail sales within a building with a total of more than four thousand (4,000) square feet of gross floor area or sixteen (16) or more parking spaces and retail sales outside of a building of automobiles, light trucks, recreational vehicles, mobile and modular homes, and similar items;
- B. Financial services;
- C. Eating and drinking establishments;
- D. Food processing and baking for retail sales on premises;
- E. Indoor entertainments and amusements;
- F. Automobile repair services within a building and service stations;
- G. Equipment rental;
- H. Kennels and animal hospitals with runs;
- I. Group care living facilities;
- J. Wholesale sales and warehousing, excluding fuel storage or sales, explosive storage or sales, and storage and/or sales of other hazardous goods;
- K. Nursery, orchards and farming including the retail sales of products grown on the premises. (Prior code § 11.008.030)

17.28.040 Special uses. The following uses are allowed within the C-R district subject to the applicable provisions of this title and by obtaining a special use permit as provided in Chapter 17.72 or as a planned development/cluster subdivision Chapter 17.52:

- A. Planned developments;
- B. Cluster subdivisions. (Prior code § 11.008.040)

17.28.050 Unclassified uses. The following uses are allowed within the C-R district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants;
- F. Sewage treatment plants. (Prior code § 11.008.050)

17.28.060 Minimum lot size and density. In the C-R district:

- A. Minimum lot size: five thousand (5,000) square feet.
- B. Density: twenty-nine (29) units per acre or one thousand five hundred (1,500) square feet per unit.
- C. Minimum lot width: fifty (50) feet. (Prior code § 11.008.050)

17.28.070 Building height. In the C-R district, maximum building height: thirty-five (35) feet. (Prior code § 11.008.060)

17.28.080 Yards. In the C-R district:

- A. See Section 17.88.040(A) for landscaping in yards.
- B. Minimum front yard: ten feet.
- C. Minimum side yard: five feet.

- D. Minimum rear yard: five feet.
- E. For lots with an average slope of greater than one foot vertical in seven feet of horizontal distance, the height limit may be increased up to ten feet.
- F. The distance between on-site buildings shall not be less than six feet. (Prior code § 11.008.070)

17.28.090 Signs and lighting. In the C-R district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.008.080)

17.28.100 Special site improvements. All new development in the C-R district shall be required to construct a sidewalk along all lot lines adjacent to city streets. If the city engineer deems existing sidewalks acceptable, new sidewalks need not be constructed. (Prior code § 11.008.090)

17.28.110 Parking. In the C-R district, parking shall be provided as required by Chapter 17.60. (Prior code § 11.008.100)

17.28.120 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the C-R district. (Prior code § 11.008.110)

17.28.130 Landscaping. In the C-R district, landscaping shall comply with the requirements of Chapter 17.88. (Prior code § 11.008.120)

Chapter 17.32

C-D DOWNTOWN COMMERCIAL DISTRICT

Sections:

17.32.010	Purpose.
17.32.020	Permitted uses.
17.32.030	Conditional uses.
17.32.040	Minimum lot size.
17.32.050	Unclassified uses.
17.32.060	Yards.
17.32.070	Signs and lighting.
17.32.080	Special site improvements.
17.32.090	Parking.
17.32.100	General provisions and special conditions.
17.32.110	Landscaping.

17.32.010 Purpose. The purpose of the C-D district is to promote the continued development and revitalization of downtown Aberdeen. The area design standards are intended to facilitate continued redevelopment and retain the desirable, unique characteristics of downtown including the compact development pattern, the pedestrian orientation, and the variety and character of downtown buildings. (Prior code § 11.009.010)

17.32.020 Permitted uses. In the C-D district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Retail sales within a building;
- B. Personal, professional and business services, including kennels and animal hospitals with inside runs;
- C. Financial services;
- D. Offices;
- E. Eating and drinking establishments;
- F. Hotels, motels, bed and breakfast inns, meeting rooms and facilities, and convention centers;
- G. Indoor entertainments, indoor amusements, public and private recreation centers;
- H. Residences in the upper floors of buildings;
- I. Parking lots and parking structures accessory to another use;
- J. Recycling drop boxes accessory to an allowed use or temporary recycling purchase and trans-shipment centers accessory to an allowed use;
- K. Child care facilities. (Prior code § 11.009.020)

17.32.030 Conditional uses. The following uses are allowed within the C-D district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Food processing, baking, sewing, and crafts for retail sales on premises;

- B. Automobile repair services within a building, and service stations;
- C. Auction houses and secondhand sales within a building;
- D. Outdoor sales;
- E. Wholesale sales and warehousing;
- F. Printing and other service oriented processing uses;
- G. Light manufacturing within a building;
- H. Multiple-family dwellings;
- I. Boarding houses and single-room occupancy dwellings;
- J. Kennels and animal hospitals with outside runs;
- K. Parking lots and parking structures not accessory to another use;
- L. Adult entertainment establishments. (Prior code § 11.009.030)

17.32.040 Minimum lot size. In the C-D district:

- A. Minimum lot size: five thousand (5,000) square feet.
- B. Minimum lot width: fifty (50) feet. (Prior code § 11.009.040)

17.32.050 Unclassified uses. The following uses are allowed within the C-D district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants;
- F. Sewage treatment plants;
- G. Quarrying and mining, commercial excavation;
- H. Treatment and storage of hazardous waste. (Prior code § 11.009.045)

17.32.060 Yards. In the C-D district:

- A. See Section 17.88.040(A) for landscaping in yards.
- B. Front yard: none.
- C. Minimum side yard: none.
- D. Minimum rear yard: none. (Prior code § 11.009.050)

17.32.070 Signs and lighting. In the C-D district, signs and lighting shall comply with the requirements of Chapter 17.84. (Prior code § 11.009.060)

17.32.080 Special site improvements. All new developments in the C-D district shall be required to construct a sidewalk along all lot lines adjacent to city streets. If the city engineer deems existing sidewalks acceptable, new sidewalks need not be constructed. (Prior code § 11.009.070)

17.32.090 Parking. In the C-D district, parking shall be as required by Chapter 17.60. (Prior code § 11.009.080)

17.32.100 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the C-D district. (Prior code § 11.009.090)

17.32.110 Landscaping. In the C-D district, landscaping will comply with the requirements of Chapter 17.88. (Prior code § 11.009.100)

Chapter 17.36

C-G GENERAL COMMERCIAL DISTRICT

Sections:

17.36.010	Purpose.
17.36.020	Permitted uses.
17.36.030	Conditional uses.
17.36.040	Unclassified uses.
17.36.050	Minimum lot size and density.
17.36.060	Building height.
17.36.070	Yards.
17.36.080	Signs and lighting.
17.36.090	Special site improvements.
17.36.100	Parking.
17.36.110	General provisions and special conditions.
17.36.120	Landscaping.

17.36.010 Purpose. The purpose of the C-G district is to provide for a wide variety of commercial uses either large in scale and/or dependent upon high traffic volumes and where their intensity will not adversely impact other uses. (Prior code § 11.010.010)

17.36.020 Permitted uses. The following uses are permitted within the C-G district subject to the provisions of Chapter 17.56:

- A. Retail sales and incidental wholesale sales within a building;
- B. Personal, professional and business services, including kennels and animal hospitals with inside runs;
- C. Financial services;
- D. Offices;
- E. Eating and drinking establishments;
- F. Food processing and baking for retail sales on premises;
- G. Automobile repair services within a building and service stations;
- H. Equipment repair and servicing within a building;
- I. Indoor entertainments and amusements;
- J. Recycling drop boxes accessory to an allowed use or temporary recycling purchase and trans-shipment centers accessory to an allowed use;
- K. Parking lots and parking structures not accessory to another use;
- L. Parks, recreation centers, public buildings, colleges, vocational education establishments, business schools, utility systems and facilities, other public and semi-public uses;
- M. Residences in the upper floors of buildings;
- N. Caretakers' residences incorporated within an allowed use;
- O. Child care facilities. (Prior code § 11.010.020)

17.36.030 Conditional uses. The following uses are allowed within the C-G district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Hotels, motels, bed and breakfast inns, meeting rooms and facilities, and convention centers;
- B. Auction houses and second hand sales within a building;
- C. Shopping malls and shopping centers;
- D. Outdoor amusements and outdoor sales of cars, light trucks, heavy trucks and construction equipment, recreational vehicles, boats, manufactured (mobile) homes, modular homes, and construction materials. Construction materials and inoperable heavy trucks and equipment shall be screened from other uses;
- E. Wholesale sales and warehousing, excluding fuel and explosive materials storage and warehousing;
- F. Light industrial uses within a building;
- G. Printing and other service oriented processing uses;
- H. Commercial bakeries, laundries, and similar processing facilities;
- I. Recycling centers within a building;
- J. Kennels and animal hospitals with outside runs;
- K. Adult entertainment establishments. (Prior code § 11.010.040)

17.36.040 Unclassified uses. The following uses are allowed within the C-G district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants;
- F. Sewage treatment plants;
- G. Quarrying and mining, commercial excavation;
- H. Treatment and storage of hazardous waste. (Prior code § 11.010.045)

17.36.050 Minimum lot size and density. In the C-G district:

- A. Minimum lot size: five thousand (5,000) square feet.
- B. Density: twenty-nine (29) units per acre or one thousand five hundred (1,500) square feet per unit.
- C. Minimum lot width: fifty (50) feet. (Prior code § 11.010.050)

17.36.060 Building height. In the C-G district, maximum building height: thirty-five (35) feet. (Prior code § 11.010.060)

17.36.070 Yards. In the C-G district:

- A. See Section 17.88.040(A) for landscaping in yards.
- B. Minimum front yard: none, except ten feet abutting a state route.
- C. Minimum side yard: none, except five feet abutting a residence.
- D. Minimum rear yard: none. (Prior code § 11.010.070)

17.36.080 Signs and lighting. In the C-G district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.010.080)

17.36.090 Special site improvements. All new development in the C-G district shall be required to construct a sidewalk along all lot lines adjacent to city streets. If the city engineer deems existing sidewalks acceptable, new sidewalks need not be constructed. (Prior code § 11.010.090)

17.36.100 Parking. In the C-G district, parking shall comply with the requirements of Chapter 17.60. (Prior code § 11.010.100)

17.36.110 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the C-G district. (Prior code § 11.010.110)

17.36.120 Landscaping. In the C-G district, landscaping shall comply with the requirements of Chapter 17.88. (Prior code § 11.010.120)

Chapter 17.40

W-D WATERFRONT DEVELOPMENT DISTRICT

Sections:

17.40.010	Purpose.
17.40.020	Permitted uses.
17.40.030	Conditional uses.
17.40.040	Unclassified uses.
17.40.050	Minimum lot size and density.
17.40.060	Building Height.
17.40.070	Signs and lighting.
17.40.080	Yards.
17.40.090	Special site improvements.
17.40.100	Parking.
17.40.110	General provisions and special conditions.
17.40.120	Landscaping.

17.40.010 Purpose. The purpose of the W-D district is to encourage the reuse and redevelopment of Aberdeen's central waterfront and similar waterfront areas by providing for an appropriate mix of uses tailored to their unique opportunities. Compatibility among the variety of allowed uses is encouraged and public access to the shoreline is required where necessary. (Prior code § 11.011.010)

17.40.020 Permitted uses. In the W-D district, the following uses are permitted subject to the provisions of Chapter 17.56:

- A. Light manufacturing, fabrication and repair within a building;
- B. Commercial marine uses including fuel service, docks, wharfs, shipyards, ways, passenger and ferry terminals;
- C. Wholesale and retail sales within a building, and warehousing;
- D. Personal, professional, financial and business services;
- E. Farmers' markets;
- F. Truck and equipment rental, repair and servicing within a building;
- G. Eating and drinking establishments, outdoor cafes and restaurants, hotels, motels, meeting rooms and facilities, convention centers;
- H. Food processing and baking for retail sales on premises;
- I. Multiple-family dwellings, residences in the upper floors of buildings, townhouses and residential cluster developments;
- J. Child care facilities;
- K. Public and semi-public uses, and related support services;
- L. Kennels and animal hospitals with inside runs;
- M. Service stations. (Prior code § 11.011.020)

17.40.030 Conditional uses. The following uses are allowed within the W-D district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Shipping and trucking terminals;
- B. Commercial parking lots and structures;
- C. Laboratories and research facilities;
- D. Kennels and animal hospitals with outside runs. (Prior code § 11.011.030)

17.40.040 Unclassified uses. The following uses are allowed within the W-D district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants;
- F. Sewage treatment plants;
- G. Quarrying and mining, commercial excavation;
- H. Treatment and storage of hazardous waste. (Prior code § 11.011.045)

17.40.050 Minimum lot size and density. In the W-D district:

- A. Density: twenty-nine (29) units per acre or one thousand five hundred (1,500) square feet per unit.
- B. Minimum lot width: fifty (50) feet.
- C. Minimum lot size: five thousand (5,000) square feet. (Prior code § 11.011.050)

17.40.060 Building height. In the W-D district:

- A. Maximum building height: thirty-five (35) feet.
- B. Additional height may be allowed by obtaining a conditional use permit. (Prior code § 11.011.060)

17.40.070 Signs and lighting. In the W-D district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.011.070)

17.40.080 Yards. In the W-D district:

- A. Minimum front yard: none, except ten feet abutting a state route.
- B. Minimum side yard: none, except five feet abutting a residence.
- C. Minimum rear yard: none. (Prior code § 11.011.075)

17.40.090 Special site improvements. All new development in the W-D district shall be required to construct a sidewalk along all lot lines adjacent to city streets. If the city engineer deems existing sidewalks acceptable, new sidewalks need not be constructed. Public access shall be as required by the Grays Harbor Estuary Plan and the city of Aberdeen Shoreline Master Program. (Prior code § 11.011.080)

17.40.100 Parking. In the W-D district, parking shall comply with the requirements of Chapter 17.60. (Prior code § 11.011.090)

17.40.110 General provisions and special conditions. Chapter 17.56 contains general provisions and special conditions applicable to the W-D district. (Prior code § 11.011.100)

17.40.120 Landscaping. In the W-D district, landscaping shall comply with the requirements of Chapter 17.88. (Prior code § 11.011.110)

Chapter 17.44

L-I LIGHT INDUSTRIAL DISTRICT

Sections:

17.44.010	Purpose.
17.44.020	Permitted uses.
17.44.030	Conditional uses.
17.44.040	Unclassified uses.
17.44.050	Building Height.
17.44.060	Yards.
17.44.070	Signs and lighting.
17.44.080	Parking.
17.44.090	Landscaping.

17.44.010 Purpose. The purpose of the L-I district is to provide space for transportation, warehousing, contractors' yards, industrial sales, and industrial uses contained within a building. (Prior code § 11.013.010)

17.44.020 Permitted uses. The following uses are permitted within the L-I district:

- A. Light manufacturing, light processing, light assembly and light fabrication all within a building;
- B. Warehousing, wholesale sales, industrial sales, building and industrial material retail sales, and retail sales accessory to a related permitted or conditional use;
- C. Equipment, auto and truck rental, repair and servicing within a building. Exterior storage of goods and equipment;
- D. Laboratories and industrial research facilities;
- E. Restaurants accessory to a permitted use;
- F. Truck terminals, shipping terminals, docks and contractors' yards;
- G. Outside assembly accessory to a permitted or conditional use;
- H. Offices accessory to a permitted or conditional use;
- I. A caretaker's residence accessory to a permitted or conditional use;
- J. Kennels and animal hospitals;
- K. Service stations. (Prior code § 11.013.020)

17.44.030 Conditional uses. The following uses are allowed within the L-I district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Outdoor storage as a primary use; excluding, however, junk yards, scrap yards, log storage yards, log sorting yards, and automobile wrecking yards;
- B. Offices as a primary use;
- C. Child care facilities;
- D. Adult entertainment establishments. (Prior code § 11.013.030)

17.44.040 Unclassified uses. The following uses are allowed within the L-I district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants;
- F. Sewage treatment plants;
- G. Quarrying and mining, commercial excavation;
- H. Treatment and storage of a hazardous waste. (Prior code § 11.013.040)

17.44.050 Building height. In the L-I district:

- A. Maximum building height: forty-five (45) feet.
- B. Additional height may be allowed by obtaining a conditional use permit as provided by Chapter 17.68. (Prior code § 11.013.045)

17.44.060 Yards. In the L-I district:

- A. Minimum front yard: ten feet.
- B. Minimum side yard: none, except five feet when abutting a residence.
- C. Minimum rear yard: none. (Prior code § 11.013.050)

17.44.070 Signs and lighting. In the L-I district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.013.060)

17.44.080 Parking. In the L-I district, off-street parking shall comply with the requirements of Chapter 17.60. (Prior code § 11.013.070)

17.44.090 Landscaping. In the L-I district, landscaping shall comply with the requirements of Chapter 17.88. (Prior code § 11.013.080)

Chapter 17.48

I INDUSTRIAL DISTRICT

Sections:

17.48.010	Purpose.
17.48.020	Permitted uses.
17.48.030	Conditional uses.
17.48.040	Unclassified uses.
17.48.050	Signs and lighting.
17.48.060	Parking.
17.48.070	Landscaping.

17.48.010 Purpose. The purpose of the I district is to provide the opportunity for intensive industrial uses in appropriate locations.

(Prior code §11.014.010)

17.48.020 Permitted uses. The following uses are permitted within the I district:

- A. Manufacturing, light manufacturing, processing, light processing, light assembly fabricating, and light fabrication and industrial activities all within a building;
- B. Equipment, heavy equipment sales, repair and rentals, auto and truck rental, repair and servicing within a building. Exterior storage of goods and equipment;
- C. Shipping terminals, truck terminals, materials' movement facilities, and docks, wharfs, marine terminals and contractors' yards;
- D. Warehousing, indoor and outdoor storage, wholesale sales, industrial sales, building and industrial material retail sales, and retail sales accessory to a related permitted or conditional use;
- E. Offices accessory to a permitted or conditional use;
- F. A caretaker's residence accessory to a permitted or conditional use;
- G. Kennels and animal hospitals; Service stations. (Prior code § 11.014.020 & 11.013.020)
- I. Laboratories and industrial research facilities;
- J. Restaurants accessory to a permitted use;
- K. Outside assembly accessory to a permitted or conditional use; (Ord. 6339, Amended, 04/30/2003)

17.48.030 Conditional uses. Child care facilities are allowed within the I district subject to the applicable provisions of this title and by obtaining a conditional use permit as provided in Chapter 17.68:

- A. Industrial or manufacturing activities;
- B. Public and semi-public uses;
- C. Adult entertainment establishments. (Prior code § 11.014.030) (Ord. 6179, Amended, 02/25/1998)

17.48.040 Unclassified uses. The following uses are allowed within the I district subject to the applicable provisions of this title and by obtaining an unclassified use permit as provided in Chapter 17.72:

- A. Airports, landing fields and heliports;
- B. Correctional institutions;
- C. Public transit facilities;
- D. Power-generating plants;
- E. Utility booster stations and conversion plants;
- F. Sewage treatment plants;
- G. Quarrying and mining, commercial excavation;
- H. Treatment and storage of hazardous waste. (Prior code § 11.014.040)

17.48.050 Signs and lighting. In the I district, signs shall comply with the requirements of Chapter 17.84. (Prior code § 11.014.045)

17.48.060 Parking. In the I district, parking shall comply with the requirements of Chapter 17.60. (Prior code § 11.014.050)

17.48.070 Landscaping. In the I district, landscaping shall comply with the requirements of Chapter 17.88. (Prior code § 11.014.060)

Chapter 17.52

PLANNED DEVELOPMENT, MOBILE HOME SUBDIVISIONS, CLUSTER SUBDIVISIONS AND OTHER COMBINING DISTRICTS

Sections:

17.52.00A	ARTICLE 1. GENERAL PROVISIONS
17.52.010	Combining district regulations.
17.52.020	Planned developments.
17.52.030	Purpose.
17.52.040	Authorization.
17.52.050	Permitted uses.
17.52.060	Open space requirements.
17.52.070	Authority to modify zoning district development standards.
17.52.080	Planned development design and development standards.
17.52.090	Application procedures.
17.52.100	Review Procedure.
17.52.110	Review criteria for planned developments.
17.52.120	Time limits.
17.52.130	Administration.
17.52.140	Required maintenance provisions.
17.52.150	Compliance with approved final plan.
17.52.159A	ARTICLE 2. MOBILE HOME SUBDIVISIONS
17.52.160	Mobile home subdivisions.
17.52.170	Purpose.
17.52.180	Authorization.
17.52.190	General use regulations.
17.52.200	Permitted uses within mobile home subdivisions.
17.52.210	Site design regulations.
17.52.220	Mobile home design regulations.
17.52.230	Streets.
17.52.240	Landscaping.
17.52.250	Mobile home subdivision application and approval procedure.
17.52.260	Review criteria for mobile home subdivisions.
17.52.269A	ARTICLE 3. CLUSTER SUBDIVISIONS
17.52.270	cluster subdivisions.
17.52.280	Purpose.
17.52.290	Authorization.
17.52.300	Open space requirements.
17.52.310	Allowed uses.
17.52.320	Authority to modify zoning district development standards.
17.52.330	Information provided on plats for cluster subdivisions.
17.52.340	Compliance with approved final plat.
17.52.350	Review criteria for cluster subdivisions.

17.52.00A ARTICLE 1. GENERAL PROVISIONS

17.52.010 Combining district regulations. Whenever any of the following combining districts are combined with a primary district, the regulations of the combining district(s) shall be in addition to those specified for the primary district and, in the case of conflict, the combining district provisions shall apply. (Prior code § 11.018.050)

17.52.020 Planned developments. The planned development combining district is intended to provide an alternative which will produce a development which is as good or better than that resulting from lot by lot development, by applying to large areas the same principles and purposes inherent in the regulations which provide for interrelated land uses and permit flexibility in design, location and height of building, location, size and use of open space, parking areas and circulation facilities, and to best utilize the potential of sites with special characteristics. (Prior code § 11.018.100)

17.52.030 Purpose. This chapter establishes procedures and regulations for flexibility in both the subdivision of property and the design of residential developments. Planned developments provide opportunities for decreased lot size, a greater mixture of residential types and the creation of open space. The goal is to provide a means to reduce to development costs while increasing amenities for residents, particularly common open space. The chapter also seeks to ensure that proposed developments under this chapter are compatible with the community. (Prior code § 11.018.110)

17.52.040 Authorization. Planned developments may be allowed within the R-S, R-M, R-P and C-R Zone; provided, that planned development approval is obtained as provided in this chapter. (Prior code § 11.018.120)

17.52.050 Permitted uses.

- A. Planned Developments Within Residential Zones:
 - 1. Single-family dwellings;
 - 2. Duplexes and townhomes;
 - 3. Mobile homes which comply with the requirements of Sections 17.56.100 or 17.56.110;
 - 4. Accessory uses that are limited to:
 - a. Recreational facilities,
 - b. Public/semipublic uses,
 - c. Real estate sales office;
 - 5. Retail sales serving developments greater than two hundred (200) units and no greater in area than five percent of the total development, including required parking.
- B. Planned Developments Within the Commercial Zone:
 - 1. All uses allowed as permitted uses in the underlying zone;
 - 2. Any other use; provided, it is specifically included on the approved final development plan for the planned development. (Prior code § 11.018.130)

17.52.060 Open space requirements. To compensate for any decrease in lot size, the development shall set aside common open space. The amount of usable open space to be provided shall be determined by:

- A. Subtracting the required square footage requirement set forth in the underlying zoning district from the amount of each lot that is smaller than required; and then
- B. Adding together the results obtained in subsection (A) of this section for each lot.
- C. Maintenance of common open space shall be assured by covenants or other permanent legal mechanisms acceptable to the city attorney. Such covenants shall determine maintenance responsibilities and a financial plan for their payment.
- D. Developments that exceed design features, open space requirements and recreational facilities for the underlying zone, or utilizes alternative energy conservation measures, may request an increase in allowed residential density for five percent or less. (Prior code § 11.018.040)

17.52.070 Authority to modify zoning district development standards.

- A. The following development standards of the underlying zoning district(s) may be modified or eliminated in a planned development: minimum lot size; minimum lot width; the front, rear and side yard setbacks; and building height.
- B. The setback from shoreline and recreational requirements of the underlying zoning district(s) shall not be modified or eliminated. (Prior code § 11.018.150)

17.52.080 Planned development design and development standards.

- A. Minimum site area: one acre.
- B. Common open space requirements shall be as follows:
 - 1. Common open space may consist of either natural vegetation, water, landscaping or improved recreational facilities. However, no greater than fifty (50) percent of the required density shall be in water, natural vegetation or slopes greater than fifteen (15) percent. A permanent legally enforceable provision for the retention and maintenance of the open space shall be provided.
 - 2. Common open space and recreation areas shall be provided in such a manner that they are usable and accessible to all residents of the subdivision, or to the public when deeded to the city.
- C. Boundary Setbacks. Separation from the uses adjacent to the planned development shall include:
 - 1. The boundary of a planned development shall be designed to provide a transition between the planned development and adjacent uses. To lessen any impacts on the surrounding neighborhood, landscaping may be required by the planning commission or city council.
 - 2. A permanent open space area at least twenty-five (25) feet in width shall border a planned development when abutting a single-family or multiple-family residential zone. The permanent open space shall be maintained in landscaping.
 - 3. Boundary setbacks and landscaping along the perimeter of a planned development shall be considered as required open space.

- D. A six foot space shall be provided between all buildings to provide for privacy, light, air and uses.
- E. Access meeting city standards shall be provided to all uses within a planned development.
- F. All utilities, including electrical, telephone, and TV cables, shall be placed underground.
- G. Standards for Recreational and Commercial Uses Within planned developments:
 - 1. No intensive recreational or commercial use shall be allowed within one hundred fifty (150) feet of the boundary to any adjacent residential zoning district.
 - 2. Planned developments in residential districts shall be designed to minimize the impacts of recreational and commercial uses on adjacent residences.
 - 3. Commercial uses in a planned development located in a residential zone shall be located adjacent to a collector or an arterial street.
- H. All planned developments shall comply with Chapter 17.60 parking requirements. (Prior code § 11.018.160)

17.52.090 Application procedures.

- A. All applications for planned developments must be complete before the permit issuing authority is required to consider the application. An application is complete when it contains all of the information that is necessary for the permit issuing authority to evaluate a project. A completed application shall be accompanied by the appropriate fee.
- B. A complete preliminary development plan shall provide the following information:
 - 1. The boundaries of the site;
 - 2. All existing and proposed public and private streets and ways within and adjacent to the site. Private streets and ways shall be labeled as private streets or ways. Pedestrian ways shall be included on the development plan;
 - 3. The location and design of parking facilities, including points of ingress and egress;
 - 4. The proposed location, vertical height and envelope of all proposed buildings;
 - 5. The location, vertical height and envelope of all existing buildings;
 - 6. All proposed and existing lot lines;
 - 7. The number of proposed residential units and location of proposed commercial or industrial spaces in each building;
 - 8. The development plan or a separate document shall include a typical elevation of all buildings proposed for the planned development, except for single-family dwellings and duplexes;
 - 9. All open space and recreational areas;
 - 10. Information on existing and proposed topography shall be shown with contour intervals of no greater than five feet;

11. A general plan of the proposed landscaping and the location and composition of the landscaping;
 12. All existing and proposed bodies of water, drainage ways and the proposed drainage improvements;
 13. The location of all existing and proposed utilities;
 14. Any areas, facilities or ways to be dedicated to the public shall be clearly marked on the development plan;
 15. The proposed treatment of the exterior boundary of the site;
 16. A vicinity map;
 17. Quantitative data for the following: total site area, public open space, private open space, usable recreation space, total number of dwelling units, number of dwelling units by type, and the acreage used for roads and vehicle access ways.
- C. The application shall be submitted to the department. The planning commission and/or city council may request additional information which is necessary for review of the application. (Prior code § 11.018.170)

17.52.100 Review procedure.

- A. Pre-application Review. Prior to formally submitting an application, applicants are encouraged to contact the various city departments for information regarding development requirements.
- B. Review of the Preliminary Development Plan.
 1. An application containing the information required in Section 17.52.090 shall be submitted to the department.
 2. Review of the preliminary application shall be completed within one hundred one (101) days after all requirements under the state Environmental Policy Act have been satisfied.
 3. The department shall schedule the application for a public hearing before the first available planning commission meeting which satisfies public hearing notice requirements. Notice of the hearing shall be as provided in Section 17.64.080.
 4. At such hearing, the planning commission shall determine whether the proposed planned development is in compliance with the review criteria for planned developments and other city regulations. After its review, the planning commission shall issue a recommendation to the city council as to whether the planned development should be approved, approved with conditions, or denied. The recommendation of the planning commission shall be forwarded to the city council within thirty-one (31) days from the conclusion of the public hearing.
 5. After receiving the recommendation of the planning commission, the city council shall schedule a public hearing on the application. Notice of the hearing shall be as provided in Section 17.64.080.
 6. At the hearing, the city council shall determine whether the proposed planned development and rezone is in compliance with all city codes and policies. The city council may approve, approve with conditions, or deny the application. Approval shall be in the form of a rezone ordinance. Any

required conditions shall be included in the ordinance and the preliminary development plan shall be referenced by the ordinance.

7. The decision of the city council may be appealed within thirty (30) calendar days as provided in Section 17.64.110.

C. Review of the Final Development Plan.

1. A final development plan containing the information required in Section 17.52.090 shall be submitted to the department. All drawings pertaining to the final development plan shall be prepared on mylar sheets eight by twenty-four inches (8" x 24") in dimension. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of 2.5" on the left and 0.5" on all remaining sides. Written material shall be submitted unbound, typed and on eight and one-half by eleven inches (8 1/2" x 11") paper. The information provided shall reflect the planned development as approved by the city council.
2. The department shall review the final development plan for compliance with the approved preliminary development plan, including any required conditions. The department may approve minor adjustments; provided, the adjustments do not affect the basic character or arrangements of buildings, density of the development or minimum requirements for total open space. Minor adjustments may affect the precise dimensions or location of buildings and accesses; provided, the adjustments do not vary by more than ten percent from the preliminary development plan.
3. A final development plan meeting all requirements shall be signed by the department and placed on file with the city and the Grays Harbor County Auditor. Any aggrieved person may appeal the decision of the department to the planning commission within ten days of the decision. No development shall occur on the subject property until the appeal period has expired.
4. If the department determines the final development plan is not in compliance with the approved preliminary development plan, the applicant shall either resubmit the final development plan, appeal the determination to the planning commission, or withdraw from the planned development review process. All appeals shall be made within ten days of the decision of the department.
5. The department's review of the final development plan shall be completed within forty-five (45) days of submittal. If no determination to accept or reject the final development plan is made within the forty-five (45) day period, the plan shall be automatically approved as presented.
6. If an appeal of the department's decision is filed, the department shall schedule the appeal for a public hearing before the first available planning commission meeting that satisfies public hearing notice requirements. Notice of the hearing shall be as provided in Section 17.64.080. At such public hearing, the planning commission shall determine whether the final development plan is in compliance with the approved preliminary development plan. If the planning commission determines that compliance has been met, then the department shall be directed to approve the final

development plan in accordance with Section 17.52.100(C)(3). If the final development plan is determined by the planning commission not to comply with the council's approved preliminary development plan, then the final development plan shall be corrected accordingly by the applicant and resubmitted to the department.

- D. Following approval of the final development plan, the department shall amend the zoning map of the city of Aberdeen to reflect the addition of the PD combining district to the underlying zoning district. The department shall also indicate on the zoning map the number of the ordinance adopting the change. (Prior code § 11.018.180)

17.52.110 Review criteria for planned developments. Planned developments shall be evaluated in accordance with the following criteria:

- A. Compliance with the policies of the comprehensive development plan and the requirements of this chapter.
- B. Compatibility of the proposed planned development with other allowed uses within the vicinity. The planning commission may recommend and/or the city council may require such conditions and improvements as are necessary to ensure the review criteria are satisfied. (Prior code § 11.018.190)

17.52.120 Time limits.

- A. If a final development plan is not submitted for approval within three years of the effective date of the ordinance approving the preliminary development plan, the ordinance authorizing the development shall expire.
- B. If the department returns a final development plan for correction or revision, the preliminary development plan shall expire if a revised final development plan is not resubmitted to the department within two hundred forty (240) calendar days or the department's decision is not appealed within ten days.
- C. If a complete building permit application has not been submitted for approval within three years of the date the final development plan was approved, the final development plan and the planned development combining district shall expire and the property shall revert to the zoning classification in effect upon the date of application for the preliminary development plan. (Prior code § 11.018.200)

17.52.130 Administration. Upon approval of the final development plan, the department may approve minor adjustments; provided, the adjustments do not affect the basic character or arrangements of buildings, density of the development or minimum requirements for total open space. Minor adjustments may affect the precise dimensions or location of buildings and accesses; provided, the adjustments do not vary by more than ten percent from the preliminary development plan. (Prior code § 11.018.220)

17.52.140 Required maintenance provisions. Agreements and/or plans for the permanent maintenance of all common areas or improvements within or serving a planned development which are not dedicated to and accepted by a public agency shall be provided within the final development plan. Such agreements shall clearly delineate maintenance responsibilities and

financial arrangements. The city shall maintain no responsibility for enforcement of any maintenance provisions. (Prior code § 11.018.230)

17.52.150 Compliance with approved final plan. Any development or action failing to conform to the final development plan as approved constitutes a violation of this chapter. (Prior code § 11.018.240)

17.52.159A ARTICLE 2. MOBILE HOME SUBDIVISIONS

17.52.160 Mobile home subdivisions. The division of land into five or more lots, tracts, parcels, or sites for the purpose of sale, lease or transfer to allow for the placement of mobile homes as defined in Chapter 17.04. (Prior code § 11.018.300)

17.52.170 Purpose. The purpose is to increase housing choices for citizens by providing the opportunity for the placement of mobile homes on individual lots within a unified development of five acres or more. Because mobile home subdivisions restrict residential structures to mobile homes only and require the use of landscaping buffers, the provisions of Section 17.56.100 do not apply. These regulations are intended to supplement RCW 58.17 and city subdivision ordinances. (Prior code § 11.018.310)

17.52.180 Authorization. Mobile home subdivisions shall be a special use in the single-family residential zoning district (R-S) and multiple-family residential zoning district (R-M). (Prior code § 11.018.330)

17.52.190 General use regulations. A mobile home shall not be occupied or used for dwelling purposes within a mobile home subdivision until it is properly placed; connected to water, sewer and electrical utilities; complies with the requirements of the Department of Labor and Industries; complies with all requirements of this chapter; and a certificate of occupancy has been issued. (Prior code § 11.018.340)

17.52.200 Permitted uses within mobile home subdivisions. Permitted uses within the mobile home subdivisions include:

- A. Mobile homes;
- B. Accessory buildings;
- C. Recreational facilities and parks serving residents;
- D. Retail sales serving developments greater than two hundred (200) units and no greater in area than five percent of the total development, including required parking;
- E. Home occupations in accordance with Section 17.56.030 and beauty shops in accordance with Section 17.56.040. (Prior code § 11.018.350)

17.52.210 Site design regulations. Site design regulations in mobile home subdivisions are:

- A. Minimum lot size: five thousand (5,000) square feet.
- B. Density: nine units per acre.
- C. Minimum yards: the yards shall comply with the requirements of the underlying zoning district(s). (Prior code § 11.018.360)

17.52.220 Mobile home design regulations.

- A. Mobile homes shall be installed in accordance with WAC 296-150B-200 through WAC 296-150B-255 or their successors.
- B. The tongue, axle, traffic safety lights, and any traffic warning signs shall be removed.
- C. Skirting or extended exterior siding shall be installed between the ground and the mobile home siding.
- D. Permanent landings, porches or decks with steps and handrails shall be affixed to all doors.
- E. Two parking spaces shall be provided for each mobile home as provided by Section 17.60.030(B). Parking shall not be located within the front yard setback.
- F. No more than one mobile home or residence shall be located on a lot. (Prior code § 11.018.370)

17.52.230 Streets. Street design and construction standards shall be as required by the city of Aberdeen subdivision ordinance and the preliminary plat approval. (Prior code § 11.018.380)

17.52.240 Landscaping.

- A. Type II landscaping buffer at least fifteen (15) feet in width shall be required to surround the perimeter of all mobile home subdivisions. The ordinance approving the subdivision may specify the types and density of plantings and any fencing. (Prior code § 11.018.390)

17.52.250 Mobile home subdivision application and approval procedure. Mobile home subdivision application and approval procedures shall be directed in the same manner as any long subdivision. (Prior code § 11.018.400)

17.52.260 Review criteria for mobile home subdivisions. Applications for mobile home subdivisions shall be reviewed on the following criteria:

- A. That the requirements under RCW 58.17 and other city ordinances have been satisfied;
- B. That the development is consistent with the policies of the comprehensive development plan; and
- C. The compatibility of the development and its uses with the surrounding vicinity. The planning commission and/or the city council may require amendments, deletions or modifications to the proposed mobile home subdivision as necessary to ensure the review criteria are met. (Prior code § 11.018.410)

17.52.269A ARTICLE 3. CLUSTER SUBDIVISIONS

17.52.270 Cluster subdivisions. The division of land into five or more lots, tracts, parcels or sites for the purpose of sale, lease or transfer, which includes the process of crediting areas in common or public ownership to the individual lot in determining compliance with the minimum lot area requirements of the zone in which the subdivision is to be located. (Prior code § 11.018.500)

17.52.280 Purpose. In any single-family residential zone, a developer may create lots that are smaller than those required under the minimum lot size of individual zoning districts if such developer complies with the provisions of this chapter. The intent is to authorize the developer to decrease lot sizes with the land "saved" being utilized as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size lots required under each zoning district. (Prior code § 11.018.510)

17.52.290 Authorization. Cluster subdivisions are special uses as authorized within individual zoning districts and are supplemental to the formal subdivision requirements of RCW 58.17 and city ordinances. (Prior code § 11.018.520)

17.52.300 Open space requirements. To compensate for the decrease in lot size, the development shall set aside common open space. The amount of usable open space that must be provided shall be determined by:

- A. Subtracting the required square footage requirement set forth in the underlying zoning district from the amount of each lot that is smaller than required; and then, adding together the results obtained for each lot.
- B. Maintenance of common open space shall be assured by covenants or other permanent legal mechanisms acceptable to the city attorney. Such covenants shall determine maintenance responsibilities and a financial plan for their payment. (Prior code § 11.018.530)

17.52.310 Allowed uses.

- A. Permitted Uses. Those uses listed as permitted uses in the underlying district.
- B. Conditional Uses. Those uses listed as conditional uses in the underlying district provided a conditional use permit is obtained per Chapter 17.68. (Prior code § 11.018.540)

17.52.320 Authority to modify zoning district development standards.

- A. The following development standards of the underlying zoning district(s) may be modified or eliminated in a cluster subdivision: minimum lot width; the front, rear and side yard setbacks; and building height.
- B. The minimum lot size in a cluster subdivision may be reduced to no less than fifty (50) percent of minimum lot size required in the underlying zoning district. (Prior code § 11.018.550)

17.52.330 Information provided on plats for cluster subdivisions. Subdivisions utilizing the cluster approach shall include the following data on the face of the subdivision plat:

- A. Outlines of all building envelopes;
- B. Number of housing units in each building;
- C. Number of buildings on each lot;
- D. Size and dimensions of all proposed lots;
- E. Building setback lines;
- F. Open space areas. (Prior code § 11.018.560)

17.52.340 Compliance with approved final plat. Any development or land division which fails to conform to the final plat as approved constitutes a violation of this chapter. (Prior code § 11.018.570)

17.52.350 Review criteria for cluster subdivisions. Proposals for cluster subdivisions shall be reviewed on the following criteria:

- A. That the requirements under RCW 58.17 and other city ordinances have been satisfied;
- B. That the development is consistent with the policies of the comprehensive development plan; and
- C. The compatibility of the development and its uses with the surrounding vicinity. The planning commission and/or the city council may require amendments, deletions or modifications to the proposed cluster subdivision as necessary to ensure the review criteria are met. (Prior code § 11.018.580)

Chapter 17.56

SPECIAL CONDITIONS

Sections:

17.56.010	Purpose.
17.56.020	Temporary amusements and public assembly.
17.56.025	Adult entertainment establishments.
17.56.030	Home occupation.
17.56.040	Beauty shops.
17.56.050	Child care facilities.
17.56.060	Surface excavations.
17.56.070	Animals.
17.56.080	Storage of vehicles and other items.
17.56.090	Firewood manufacturing and sales.
17.56.100	Requirements for mobile homes to be sited on individual lots within residential districts.
17.56.110	Special mobile home permit procedure.
17.56.120	Accessory buildings.
17.56.130	Temporary construction buildings.
17.56.140	Architectural features.
17.56.150	Fences and walls.
17.56.160	Required vision clearance triangle.
17.56.170	Residential decks.
17.56.180	Special height restrictions.
17.56.190	Lots divided by zoning districts.
17.56.200	Access requirement.
17.56.210	Territory hereafter annexed.

17.56.010 Purpose. This chapter contains supplementary regulations applicable to all zoning districts by providing for the location and control of certain accessory uses and structures. (Prior code § 11.019.010)

17.56.020 Temporary amusements and public assembly.

- A. Carnivals, circuses, amusement rides, revival tents or any temporary amusement, entertainment, public assembly or activity which does not involve public attendance for more than eighteen (18) hours in any twenty-four (24) hour period may be permitted in commercial and industrial zoning districts after obtaining a temporary use permit from the Aberdeen city council. The permit may authorize the use for a maximum of thirty (30) days. The city council may require such conditions as are necessary to ensure compliance with the following criteria:
 - 1. There will be no interference with the activities of nearby residents or businesses;
 - 2. Traffic circulation will not be unnecessarily impeded and there will be provisions for adequate parking and means of ingress and egress;

3. Sound or lighting will not be a nuisance to neighboring residents or businesses;
 4. There will be adequate provisions for water supply and sanitary facilities;
 5. Police and fire chief have approved the activity.
- B. Outdoor public assemblies, music festivals, and similar uses which involve public attendance for more than eighteen (18) hours in any twenty-four (24) hour period shall not be permitted. (Prior code § 11.019.110)

17.56.025 Adult entertainment establishments. Adult entertainment establishments must be located at least 2000 feet from each of the following:

- A. Schools;
- B. Childcare facilities;
- C. Public parks;
- D. Public libraries;
- E. Previously licensed adult entertainment establishments.

17.56.030 Home occupations.

- A. A home occupation permit is the method used to allow and to regulate nonresidential activity within the city's residential districts.
- B. Home occupations shall be an outright permitted use in all zoning districts and shall meet the following minimum requirements as a condition of approval:
 1. No person other than a resident of the dwelling unit is engaged or employed in the home occupation, and the number of residents employed in the home occupation shall not exceed two individuals.
 2. No sign is displayed which would be visible from outside the dwelling unit.
 3. No toxic, explosive, flammable, combustible, corrosive, medical waste, radioactive, or other restricted materials are used or stored on the site.
 4. No outside operations, storage or display of materials or products.
 5. The total area utilized for home occupations on a premise shall not exceed four hundred (400) square feet of the total floor area of a residence.
 6. There will be no sales on the premises and no commercial truck deliveries in connection with the home occupation. Parcel delivery services may deliver parcels to the home occupation.
 7. No newspaper, radio or television service shall be used to advertise the location of home occupation to the general public.
 8. No more than one home occupation shall be permitted within any single residence or accessory building.
 9. No equipment or process shall be used in a home occupation which creates noises, vibration, glare, fumes or odor detectable to the normal senses beyond the boundaries of the property.
 10. No repair of small engines or motor vehicles is permitted.
- C. Permit Procedures.
 1. Application for a home occupation permit shall be made to the department. The department will make a decision and notify the applicant

- in writing within fifteen (15) working days of the date the application is received.
2. In cases where the department considers the application not within the scope of the home occupation criteria, the application will be denied.
 3. The department may impose any additional reasonable conditions upon the permit that are necessary to protect the residential character, health, safety and welfare of the surrounding neighborhood.
 4. The decision of the department concerning approval or revocation shall be final unless a written appeal is filed with the board of adjustment within ten calendar days of the decision. An appeal may only be filed by the applicant or persons residing within three hundred (300) feet of the subject property.
 5. Home occupation applicants shall permit a reasonable inspection of the premises by the department to determine compliance with this chapter.
- D. Enforcement Procedures.
1. Any aggrieved person believing that a violation or violations of this chapter is occurring and who desires that action be taken by the city, shall notify the department in writing of such alleged violations. The department shall complete an investigation of the allegation(s) to determine the merits thereof.
 2. If the department determines that no violation as alleged or otherwise is occurring, then notification of that decision in writing shall be given to the complaining person.
 3. If the department determines that a violation is occurring or has occurred, then notification of that decision and a time for compliance shall be sent to both the violator and complaining person. The notification shall also state what action, if any, will be taken if compliance is not timely affected. If compliance is not met by the violator within the time frame provided, the department may revoke the home occupation permit.
- E. Nonconforming Home Occupations. Home occupations lawfully established and maintained prior to the enactment of this chapter are exempt from the requirements of Section 17.56.030(C). (Prior code § 11.019.120)

17.56.040 Beauty Shops. Beauty shops may be permitted in a residential zone subject to obtaining a home occupation permit and compliance with the conditions of Section 17.56.030 for home occupation and subject to compliance with the following additional conditions:

- A. No more than one licensed operator may be employed in the home occupation and the licensed operator shall be a member of the resident family.
- B. Off-street parking spaces shall be provided in addition to any other required parking for the residence, with the number of spaces determined by the number of customers using the shop at any given time. The number of required parking spaces shall be included as a condition of permit issuance. (Prior code § 11.019.130)

17.56.050 Child care facilities.

- A. All child care facilities and providers shall meet Washington State child day care licensing requirements and shall register with the department by completing a child care registration form provided by the department prior to initiation of the use. Upon registration, the child care provider must be able to demonstrate compliance with the applicable conditions of the city code.
- B. In all residential districts, home day care facilities and mini day care facilities shall comply with the following requirements:
 - 1. No structural or decorative alterations are allowed which will alter the residential character of an existing or proposed structure.
 - 2. Signs shall be less than six feet square.
 - 3. A safe passenger loading zone shall be provided. Day care centers shall provide parking as provided in Section 17.60.040. (Prior code § 11.019.140)

17.563.060 Surface excavations.

- A. The excavation of soil, gravel, sand, or any natural deposits by an owner of property for materials to be used exclusively for improvements to contiguous property under the same ownership shall be a permitted use in all zones outside of the jurisdiction of the Shoreline Management Act.
- B. The excavation of soil and other materials from the site of a building, street, or other construction project shall be a permitted use in all zones. For construction projects requiring a building permit, no excavation shall occur until a building permit is issued.
- C. The commercial excavation of soil, gravel, sand or natural deposits, except as provided in Section 17.56.060(A) and (B), may be allowed in all zoning districts through the unclassified use permit procedure in Chapter 17.72.
- D. Any excavation or landfill shall require a grading permit pursuant to Chapter 15.08, with the excavation or landfill of five hundred (500) cubic yards or more requiring an environmental review as provided in Chapter 14.04. (Prior code § 11.019.150)

17.56.070 Animals.

- A. Animals kept per dwelling unit within all residential districts shall be limited to three cats or three dogs, with the total number of animals not to exceed three over the age of six months.
- B. Animals shall be permitted in the single-family residential district provided the requirements listed are fulfilled:
 - 1. Horses, ponies, mules, cows and other large mammals provided that the property has:
 - a. At least twenty thousand (20,000) square feet of land area per animal;
 - b. A residence located on the property; and
 - c. No structure providing shelter or care for such animals located within fifty (50) feet of any off-premises dwelling.
 - 2. Sheep, goats and similar animals provided that the property has:

- a. At least ten thousand (10,000) square feet of land area per animal;
 - b. A residence located on the property; and
 - c. No structure providing shelter or care for such animals located within thirty (30) feet of any off-premises dwelling.
- 3. Gnawing mammals such as rabbits, chinchillas and nutria; and fowl such as chickens, ducks and geese provided that:
 - a. The penned animals are kept in the rear yard at least ten feet from a residence; and
 - b. The pens are located no closer than twenty-five (25) feet to any other residence.
- C. Additional dogs, cats, and other types of animals, except those listed in subsections (A) and (B) of this section, may be allowed as conditional uses as provided in Chapter 17.68. (Prior code § 11.019.160)

17.56.080 Storage of vehicles and other items.

- A. No vehicle that is abandoned, discarded, junked, unlicensed, inoperable or partially dismantled may be stored outside of an enclosed building unless the vehicle is located:
 - 1. Behind the front, side and rear yard building setback lines and screened by a six-foot high sight obscuring fence, wall or hedge; or
 - 2. In a wrecking yard or vehicle repair business.
- B. Except in those zoning districts which specifically allow outdoor sales or storage, recreational vehicles, campers, boats and similar items stored or parked on private property for more than five consecutive days shall be located within a building or behind the front setback line.
- C. Firewood, logs or similar wood materials shall not be placed or stored within a required front yard setback for more than thirty (30) days in any one calendar year except in the industrial zoning district. Except in the industrial zoning district, firewood, logs or similar wood materials placed or stored within two feet of a lot line shall comply with the same height requirements as fences found in Section 17.56.150 and vision clearance triangles found in Section 17.56.160.
- D. Junk or scrap material shall not be located or stored outside of a building except at a scrap or junk yard; such material may be located or stored at a construction site for not more than thirty (30) days after completion of the project.
- E. Used building materials may be stored in a residential district provided the materials are located behind the front, side and rear yard setback lines and behind a six-foot high sight-obscuring fence. (Prior code § 11.019.170)

17.56.090 Firewood manufacturing and sales. The commercial cutting, splitting, seasoning, sales and storage of firewood shall only be allowed within the industrial zoning district; provided, that in any zoning district firewood may be stored, cut and split on the same lot as the residence where the firewood will be used for fuel. (Prior code § 11.019.180)

17.56.100 Requirements for mobile homes to be sited on individual lots within residential districts. All mobile homes sited on individual lots outside of mobile home parks and

subdivisions are permitted uses in all residential zones and shall comply with each of the following requirements in addition to the requirements of each zoning district:

- A. The mobile home shall have at least seven hundred forty (740) square feet of gross floor area and be at least twenty (20) feet in width. Any body part or extension which is not seventy (70) percent or more of the length shall not be included in the measurement of the width.
- B. The mobile home shall comply with the installation requirements of the state of Washington Department of Labor and Industries found at WAC 296-150B-200 through WAC 296-150B-255 or their successors.
- C. Permanent steps with handrails shall be provided at all exits. The steps and handrails shall comply with the requirements of the Uniform Building Code.
- D. The tongue, axle, traffic safety lights and any traffic warning lights shall be removed.
- E. The mobile home shall comply with the Federal Manufactured Home Construction and Safety Standards in effect at the date of manufacture and the home shall have been manufactured on or after June 15, 1976.
- F. The primary use of the mobile home shall be residential.
- G. No mobile home shall be converted or changed from one type of mobile home to another type.
- H. The roof shall have a minimum pitch of three inch rise for every one foot of length to be covered with wood shakes, composition or fiberglass shingles.
- I. The siding shall be composed of wood, metal, particle board or hard-board siding with patterns known as decorative plywood, drop siding, shiplap, beveled siding, weatherboard, shingles or grooved plywood.
- J. Each mobile home shall have a garage, carport or an on-site exterior storage structure with not less than forty (40) square feet of usable floor area and a minimum height of six feet.
- ~~K. The mobile home must have been manufactured within five years of the date it is sited on the lot.~~
- L. The mobile home shall have eaves on the gable ends and shall have gutters and downspouts. (Prior code § 11.019.190)

17.56.110 Special mobile home permit procedure. Mobile homes which do not comply with standards set forth in Section 17.56.100(H) through (L) may request a variance as provided in Chapter 17.68 before being sited on individual lots. In its review of such variance requests, the board of adjustment shall consider the aesthetic impact of a proposed mobile home upon the residential neighborhood. (Prior code § 11.019.200)

17.56.120 Accessory buildings. Detached accessory buildings shall comply with all yard and lot coverage requirements for the zone in which they are located provided:

- A. Accessory buildings shall only be constructed concurrently with, or subsequent to, the dwelling or building housing the primary use.
- B. No accessory building shall be located in a vision clearance triangle. (Prior code § 11.019.210)

17.56.130 Temporary construction buildings. Temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with construction on such projects, are permitted and shall be abated within thirty (30) days after completion of the project, or thirty (30) days after cessation of work. (Prior code § 11.019.220)

17.56.140 Architectural features.

- A. Chimneys, cornices, canopies, eaves or similar architectural features may project eighteen (18) inches into any required yard setback area.
- B. Fire escapes, outside stairways and porches which are only enclosed up to the height of the handrails, may project not more than six feet into any required front yard, and not more than three feet into any required side or rear yard. (Prior code § 11.019.230)

17.56.150 Fences and walls.

- A. Fences and walls up to a maximum height of six feet may be installed except:
 - 1. Within the required front and street side yard setback;
 - 2. Within a twenty-foot vision clearance triangle formed by the intersection of two street rights-of-way;
 - 3. Within a ten-foot vision clearance triangle formed by the intersection of an alley and a street right-of-way.
- B. Within the areas identified in subsection (A)(1) of this section, fences or walls up to a maximum height of four feet may be installed.
- C. Within the areas identified in subsections (A)(2) and (A)(3) of this section, fences and walls up to a maximum height of three feet may be installed, except open wire mesh fences which may be up to a maximum height of four feet.
- D. No maximum fence or wall heights shall apply:
 - 1. In commercial or industrial zones when the city engineer has determined that no part of the construction endangers life, health or safety;
 - 2. For nonresidential public playgrounds, public utility or other public installation when the city engineer has determined that no part of the construction endangers life, health or safety.
- E. Barbed wire is unlawful except when the strands of barbed wire are at least six feet above ground level and located in a commercial or industrial zone.
- F. Electrical fences of any kind are unlawful. (Prior code § 11.019.240)

17.56.160 Required vision clearance triangle. In all residential zoning districts, buildings, structures and fences shall not be constructed within:

- A. A twenty-foot vision clearance triangle formed by the intersection of two street rights-of-way;
- B. A ten-foot vision clearance triangle formed by the intersection of an alley and a street right-of-way. (Prior code § 11.019.250)

17.56.170 Residential decks. Decks are allowed as a residential accessory use; provided, that the deck, any portion of which is more than six feet above grade, shall comply with the setbacks of the zone in which it is located. (Prior code § 11.019.260)

17.56.180 Special height restrictions.

- A. Towers, gables, scenery lofts, cupolas, water tanks, mechanical appurtenances and similar structures may be erected on a building to a height greater than the limit established in any district; provided, that all such exceptions shall cover no more than fifteen (15) percent of the area of the building.
- B. Chimneys, water tanks, civil defense sirens, flag poles, monuments, radio or TV antennas, government or public utility structures and similar freestanding structures may be erected to a height greater than the limit established by any zoning district; provided, the total of such exceptions on any one lot shall not exceed fifteen (15) percent of the site. (Prior code § 11.019.270)

17.56.190 Lots divided by zoning districts. When a lot is divided by two or more zoning districts, the zoning district which occupies the largest portion of the lot shall have jurisdiction. If a parcel is divided into two or more equal portions by zoning districts, the total area of the bisected lot shall acquire the same zone classification as that portion abutting the front lot line. (Prior code § 11.019.280)

17.56.200 Access requirement. A lot in a residential zoning district shall have at least twenty (20) feet of frontage on a public street. (Prior code § 11.019.290)

17.56.210 Territory hereafter annexed. All territory hereafter annexed to the city of Aberdeen shall be automatically classified as single-family residential at the date of the annexation, unless as part of the annexation proceedings a specific zoning district(s) is assigned to the annexed property. On any property hereafter annexed to the city of Aberdeen where building permits have been issued by Grays harbor County within a period of one year prior to the date of annexation, the proposed construction, even if not in conformance with this title, may be completed in accordance with such permits; provided, construction is commenced within sixty (60) days from the date of annexation; and provided, all requirements of the building codes of the city of Aberdeen and all fire prevention regulations of the city are complied with. (Prior code § 11.019.300)

Chapter 17.60

PARKING

Sections:

17.60.010	Purpose.
17.60.020	Parking requirements.
17.60.030	Residential uses.
17.60.040	Commercial uses.
17.60.050	Industrial uses.
17.60.060	Public and semi-public uses.
17.60.070	Mini-warehouses/self-service storage facilities.
17.60.080	Location of parking spaces.
17.60.090	Improvement of parking spaces and access to parking spaces.
17.60.100	Downtown areas exempt from off-street parking requirements.
17.60.110	Loading space.
17.60.120	Nonconforming parking regulations.
17.60.130	Heavy truck and heavy equipment yards not parking areas.
17.60.140	Joint use of required parking spaces.

17.60.010 Purpose. The purpose of this chapter is to protect the public welfare by requiring adequate numbers of parking spaces and improvements other than those on the public right-of-way to lessen the potential for impacts of developments on neighboring uses and the community. (Prior code § 11.020.010)

17.60.020 Parking requirements. The minimum required parking spaces for the various uses shall be as listed in Sections 17.60.030 through 17.60.070. Where the requirements produce a fractional result, the number shall be increased to the next highest unit. The parking requirement for a use not specifically mentioned in this chapter shall be the same as the use which is most similar. In the case of mixed uses, the total requirement of parking shall be the sum of the requirements of the various uses computed separately. (Prior code § 11.020.020)

17.60.030 Residential uses.

- A. Detached single-family residences: two spaces per dwelling unit. Driveways may be used for parking, but shall not be used for purposes of calculating required parking.
- B. Mobile homes: two spaces per dwelling unit.
- C. Duplexes and town homes: two spaces per dwelling unit.
- D. Multi-family residences (except those listed below): two spaces per dwelling unit.
- E. Multi-family residences limited to low- and moderate-income residents: one space per dwelling unit.
- F. Multi-family residences limited to residents age sixty (60) and/or older: one-half space per dwelling unit.
- G. Rooming and boarding houses: one space for every bed.

- H. Group homes and other supervised residential living arrangements: three spaces for every five beds, except for uses exclusively serving children under sixteen (16) and the handicapped, whereby one space shall be provided for every four beds.
- I. Home occupations and beauty shops: See Sections 17.56.030 and 17.56.040.
- J. Accessory dwellings: one space for the accessory dwelling in addition to the two spaces required for the main dwelling unit.
- K. Bed and breakfast inns: one space for each guest room in addition to the number required for the dwelling. (Prior code § 11.020.030)

17.60.040 Commercial uses.

- A. Personal and professional services, financial services, beauty schools, veterinarians and business offices: one space for every three hundred (300) feet of gross floor area. Each drive-through window used shall provide reservoir lanes with a capacity for a minimum of five waiting vehicles.
- B. Child care facilities in all districts: one space per employee plus one space per thirteen (13) children.
- C. Convenience stores: one space per two hundred (200) square feet of gross floor area with a minimum of four spaces.
- D. Grocery stores, drug stores, department stores, self-service laundry and retail sales within a building: one space for every two hundred fifty (250) square feet of gross floor area with a minimum of four spaces.
- E. Furniture, appliance, feed stores, secondhand sales and retail sales of bulky items: one space per five hundred (500) square feet of gross floor area with a minimum of four spaces.
- F. Motor vehicle and mobile home sales, rental or repair: one space per three hundred (300) square feet of gross floor area with a minimum of four spaces.
- G. Service stations: one space per two hundred (200) square feet of gross floor area of the building devoted primarily to gasoline sales operations and a reservoir lane with a capacity for five waiting vehicles.
- H. Car washes: conveyor type, one space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type, two spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.
- I. Wholesale stores and machinery and equipment sales and repair: one space per employee on the peak shift with a minimum of four spaces.
- J. Retail sales: one space per three hundred (300) square feet of gross floor area with a minimum of four spaces.
- K. Retail sales outside fully enclosed building: one space per four hundred (400) square feet of gross floor with a minimum of two spaces.
- L. Hotels, motels and bed and breakfast inns: one space for each room or suite and one space for every employee on the largest shift with a minimum of four spaces.
- M. Bowling alleys, skating rinks, indoor athletic courts, pool halls and exercise facilities: one space per two hundred (200) square feet of gross floor area; a minimum of four spaces required.

- N. Outdoor recreation facilities such as miniature golf courses, skate board parks, and similar uses: one space per three hundred (300) square feet of activity area plus one space per two hundred (200) square feet of building gross floor area. Driving range: one space per tee plus one space per two hundred (200) square feet of building gross floor area; a minimum of four spaces required.
- O. Social, fraternal clubs, lodges, union halls, and similar uses: one space for every four persons; a minimum of four spaces required.
- P. Theaters: one space for every four seats with a minimum of four spaces.
- Q. Dance halls and similar uses without fixed seats: one space for every four persons; a minimum of four spaces is required.
- R. Restaurants, taverns, cocktail lounges with inside tables and only incidental take-out services: one space per seventy-five (75) feet of gross floor area. If the use has outside tables one additional space shall be provided for each four outside seats. A minimum of four spaces is required.
- S. Drive-in restaurants where food is eaten in vehicles: one space per seventy-five (75) feet of gross floor building area and one space per employee on the largest shift. If the use has outside tables one additional space shall be provided for each four outside seats. Each drive-in window shall provide a reservoir lane with a capacity for five waiting vehicles. A minimum of four spaces total is required.
- T. Kennels, animal boarding and similar uses: one space per employee on the largest shift and one space reserved for customer pick up.
- U. Recreational vehicles in a recreational vehicle park: one space per recreational vehicle space with a minimum of four spaces. (Prior code § 11.020.040)

17.60.050 Industrial uses. Warehousing, fabricating, manufacturing, processing, and all other industrial uses: one space for every two employees on the largest shift with a minimum of four spaces. (Prior code § 11.020.050)

17.60.060 Public and semi-public uses.

- A. Elementary schools, middle schools and junior high schools: one space for every fifteen (15) students; provided, that the number of spaces for public assembly areas shall be determined separately.
- B. High schools: one space for every ten students; provided, that the number of spaces for public assembly areas shall be determined separately.
- C. Colleges, trade schools, business colleges: one space for every eight students; provided, that the number of spaces for public assembly areas shall be determined separately.
- D. Public assembly areas including auditoriums, stadiums, performing halls and gymnasiums: one space for every four seats or if fixed seats are not provided, one space for every four persons. For public assembly areas included on a campus or school grounds, the number of spaces required for the school or college may be counted towards the spaces required for the public assembly area.
- E. Libraries, museums, art galleries, art centers and similar uses: one space for every four hundred (400) square feet with a minimum of four spaces.
- F. Churches, other places of worship, and mortuaries: one space for every five seats in the portion of the building uses for services.

- G. Public and private hospitals, sanitariums, convalescent homes, nursing homes and rest homes: one space for every three patient beds and one additional space for each employee on the largest shift with a minimum of four spaces required.
- H. Correction facilities: one space for every two employees on the largest shift. (Prior code § 11.020.060)

17.60.070 Mini-warehouses/self-service storage facilities.

- A. Self-service storage facilities with a live-in manager unit: one space per dwelling unit.
- B. Self-service storage facilities, which contain a leasing office: one space per two hundred (200) units, with a minimum of two spaces.
- C. All self-service storage facilities shall meet the following aisle width requirements to accommodate parking and to provide for a proper lane of travel for vehicles:
 - 1. One-way aisles shall provide a fifteen-foot lane of travel with a ten-foot parking lane adjacent to storage units.
 - 2. Two-way aisles shall provide two twelve-foot lanes of travel with a ten-foot parking lane adjacent to storage units.
- D. The parking lanes may be eliminated when the driveway does not serve storage units.
- E. For storage units with no outside access and located in a single or multi-story building, two load/unload spaces shall be provided. (Prior code § 11.020.070)

17.60.080 Location of parking spaces.

- A. Required parking shall be located within three hundred (300) feet of the use to be served; except that parking shall not be located within the required front yard setback in the R-P and M-I zones.
- B. Parking areas serving uses not allowed in a residential zoning district shall not be located in a residential zoning district.
- C. Parking for residential uses shall not be located within a required front yard. Where four or more residential units are served by the same parking lot, outdoor parking shall be no closer than five feet to any on-site building and not closer than three feet to any property line.
- D. Whenever required parking facilities are located off-site, sidewalks shall be provided connecting the parking facilities to the development being served. (Prior code § 11.020.080)

17.60.090 Improvements of parking spaces and access to parking spaces. All off-street parking required by this chapter shall be designed and constructed to comply with Chart P-1 and Figure P-2 for compliance with the following:

- A. Any parking facility, including access driveways and aisles, for three or less vehicles shall meet the following minimum standards:
 - 1. The parking facility shall be minimally surfaced with three inches of crushed rock or of equivalent materials approved by the city engineer. See Figure P-3(A).

2. The driveway access to the parking facility shall be hard surfaced, to the satisfaction of the city engineer, for a length of at least ten feet from the street surface.
- B. Any parking facility, including access driveways and aisles, for four or more vehicles shall meet the following minimum standards:
 1. The parking facility, aisles and access driveways shall be graded and drained so as to dispose of surface water to the satisfaction of the city engineer and in compliance with any approved drainage plan for the property.
 2. The parking facility, aisles and access driveways shall be surfaced with concrete, asphaltic concrete, bituminous surface treatment or an equivalent satisfactory to the city engineer. See Figure P-3(B).
 3. The parking facility, aisles and access driveways shall be maintained in good condition free of weeds, dust, trash, debris, pot-holes, etc., and the parking space lines and markings shall be kept clearly visible and distinct.
 4. The parking facilities and aisles shall not be located so as to require backing across a sidewalk or street.
 5. Individual parking spaces shall be designated by contrasting paint or markers. See Figure P-4.
 6. Where parking spaces front on a property line, wall, fence or sidewalk, wheel stops or similar barriers shall be provided. See Figure P-5.
 7. At least seventy (70) percent of the parking spaces shall be standard size stalls and thirty (30) percent or less of the parking spaces may be compact size stalls, as indicated by Chart P-1 and Figure P-2. All compact parking spaces shall be labeled "compact." See Figure P-4.
 8. Driveways providing access to a parking facility shall be at least twelve (12) feet wide for each lane of travel.
 9. Aisles providing access to parking spaces shall meet the minimum standards as defined by the parking area dimensions chart and diagram.
 10. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas. See Figure P-6.
 11. Parking facilities for nonresidential uses which will be used after dark shall be lighted; provided, the light source shall be designed to reflect light away from any adjoining residential premises or streets.
 12. Where parking spaces or an aisle serving a parking facility are adjacent to property zoned for residential uses, a sight-obscuring fence of at least four feet high shall be provided in addition to the required landscaping.
 13. Parking spaces for the disabled shall be consistent with the provisions of WAC 51.20 and design criteria of Figure P-7. (Prior code § 11.020.090)

17.60.100 Downtown areas exempt from off-street parking requirements.

- A. For the purpose of this Section, the downtown area shall be defined as that area enclosed by the following streets and rivers: west of the Wishkah River, west of Fuller Way, west of North "F" Street, south of the alley between First and Second Streets, east of "L" Street, and north of State Street until State Street meets "F"

Street then south on "F" Street extended until it meets the Chehalis River, then along the north bank of the Chehalis River and the west bank of the Wishkah River.

- B. The building and uses within the downtown area designated in this section shall be exempt from the requirements in this chapter to provide and improve parking; except, that any loading spaces required by Section 17.60.110 shall be provided.
- C. If any use or building in the downtown area elects to provide parking or has been required to provide parking through any other review procedure, the parking facility, aisles and access driveways shall comply with the applicable requirements of Section 17.60.090. (Prior code § 11.020.100)

17.60.110 Loading space. For commercial, industrial and public and semi-public buildings and uses of more than five thousand (5,000) square feet of gross floor area, space either inside or outside the building for the loading and unloading of goods and materials shall be provided. Such space shall not be less than ten feet wide, twenty-five (25) feet long, nor less than fifteen (15) feet in height if covered. Such space shall be provided with direct access to an alley or street. (Prior code § 11.020.110)

17.60.120 Nonconforming parking regulations. Parking facilities existing at the time of adoption of this title and accessory to a lawfully established use, but nonconforming as to the provisions of this chapter, shall satisfy the parking required for that specific use. Any change in the use, the building, and/or the parking facilities shall be subject to the following provisions:

- A. An existing parking facility accessory to a lawfully established use shall not be reduced in area or redesigned so that the facility is less in conformance with the provisions of this chapter.
- B. If a building or use is expanded, parking as required by this chapter shall be provided for the expanded portion of the use. Any existing parking shall be retained or replaced by an equivalent or greater number of parking spaces or the number of spaces required by this chapter, whichever is less.
- C. If the use of land or a building is changed to a use with a greater parking requirement, parking equal to the difference between the requirements for the existing and the proposed use, as contained herein, shall be provided in accordance with this chapter. Existing parking shall be retained or be replaced by an equivalent number of parking spaces or the number of spaces required by this chapter, whichever is less. (Prior code § 11.020.120)

17.60.130 Heavy truck and heavy equipment yards not parking areas. Heavy truck and equipment maintenance and storage areas shall not be considered parking areas for the purposes of this chapter and shall not have to comply with the improvement requirements of Section 17.60.090. (Prior code § 11.020.130)

17.60.140 Joint use of required parking spaces.

- A. One parking area may contain required spaces for several different uses, but except as otherwise provided in this chapter, the required space(s) assigned to one use may not be credited to any other use.

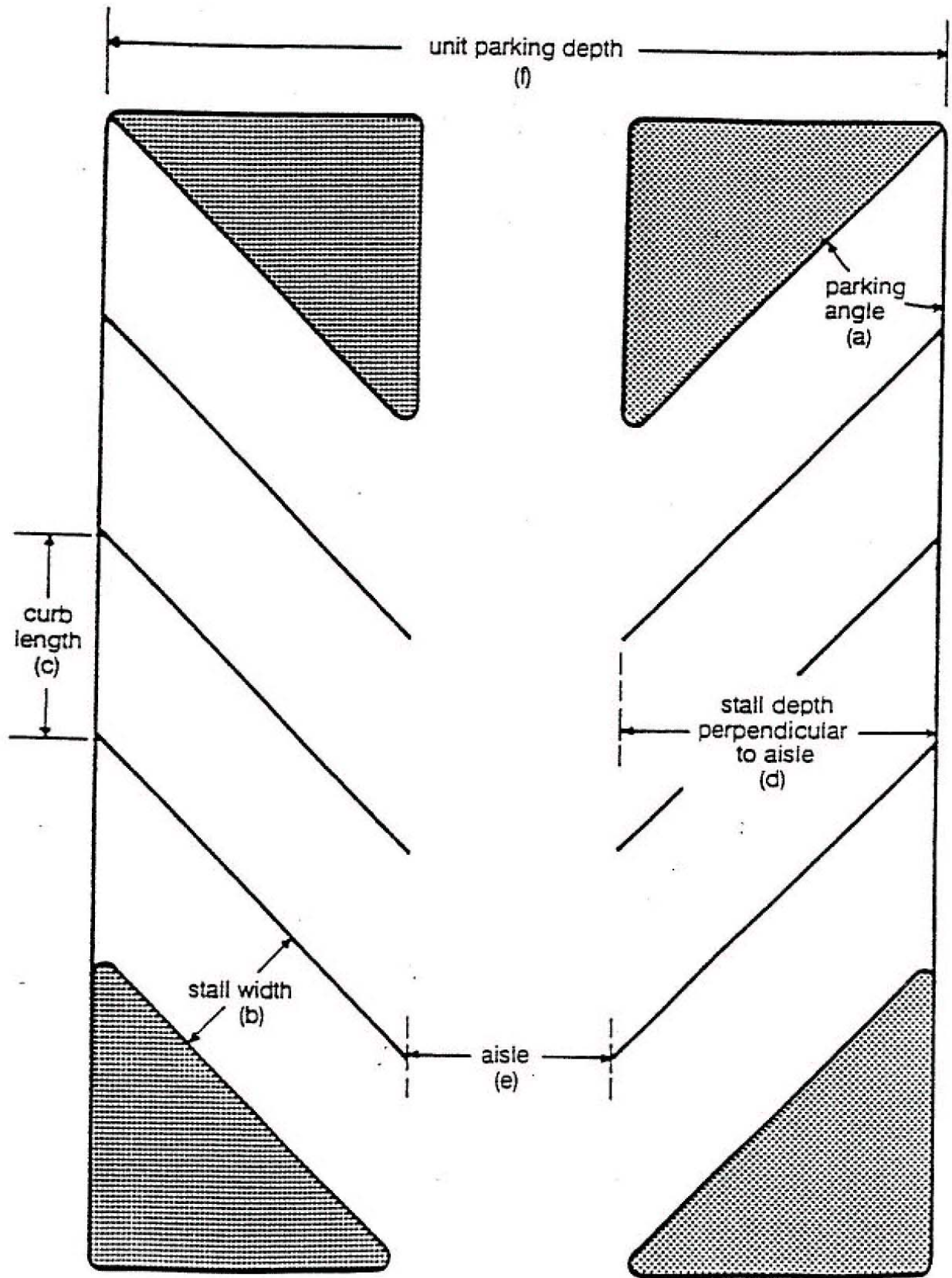
- B. Developments that wish to make joint use of the same parking spaces but predominately operate at different times, the same spaces may be credited to both uses.
- C. A use or development wishing to take advantage of joint use of required parking spaces must present satisfactory written evidence that the use or development has the permission of the owner or the person in charge of the parking spaces to use such spaces. The evidence must specify the number of spaces the use or development is allowed to use. The principal of the use or development must sign an acknowledgement that the continuing validity of the permit depends on the continuing ability to provide the required number of spaces. (Prior code § 11.020.140)

CHART P-1

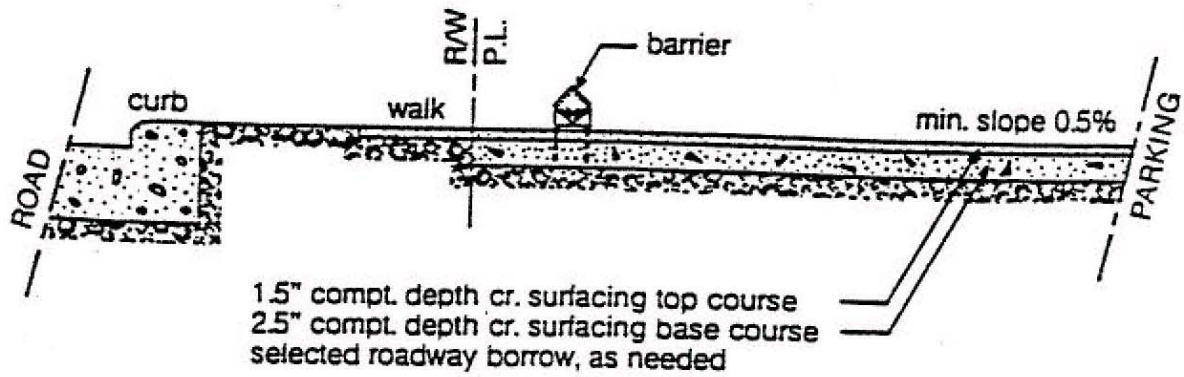
A	B	C	D	E		F	
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2-WAY		UNIT DEPTH 1-WAY 2- WAY	
0	Desired 8.0* Desired 9.0	20.0* 22.5	8.0* 9.0	12.0 20.0 12.0 20.0		** ** 30.0 38.0	
30	Desired 8.0* Desired 9.0	16.0* 18.0	15.0* 17.0	10.0 20.0 10.0 20.0		** ** 44.0 54.0	
45	Desired 8.0* Desired 9.0	11.5* 12.5	17.0* 19.5	12.0 20.0 12.0 20.0		** ** 51.0 59.0	
60	Desired 8.0* Desired 9.0	9.5* 10.5	18.0* 21.0	18.0 20.0 18.0 20.0		** ** 60.0 62.0	
90	Desired 8.0* Desired 9.0	8.0* 9.0	16.0* 20.0	23.0 23.0 23.0 23.0		** ** 63.0 63.0	

* For compact stall only

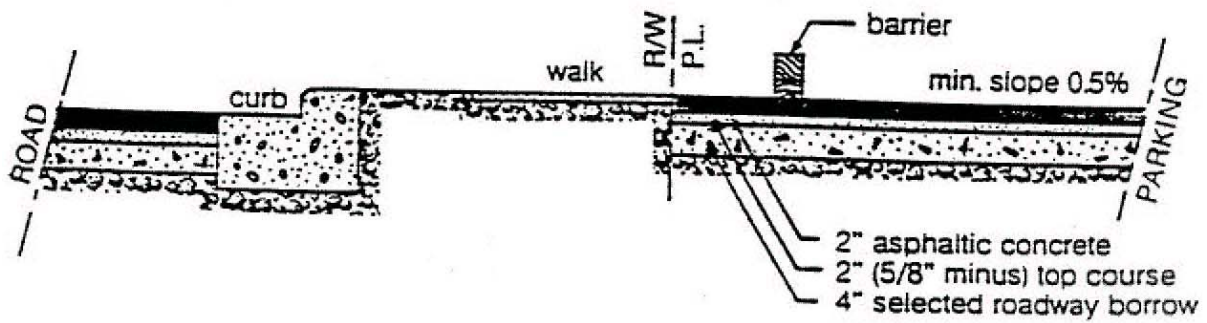
** Variable with compact and standard combinations

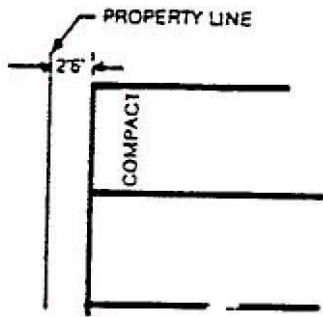


A

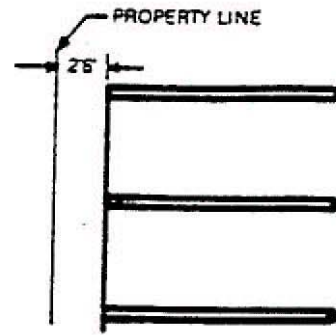


B

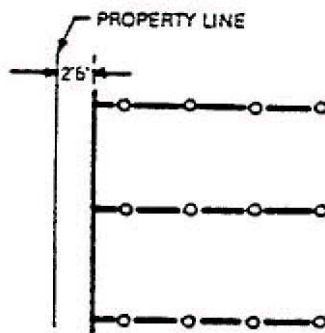
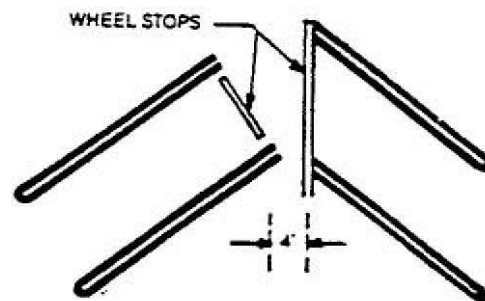
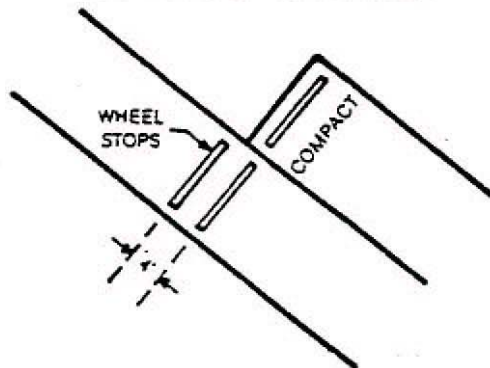




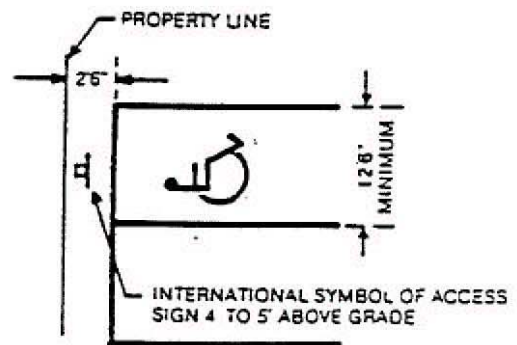
COMPACT MARKING



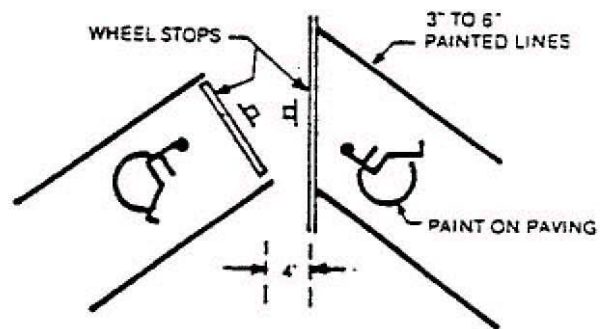
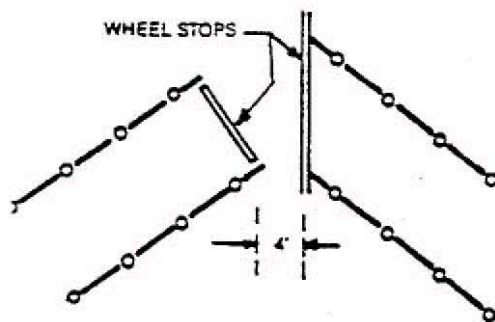
PAINTED HORSESHOE MARKING

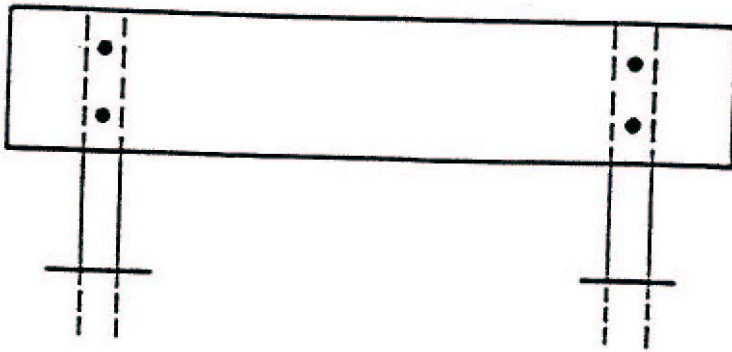


METAL OR PLASTIC TRAFFIC MARKING



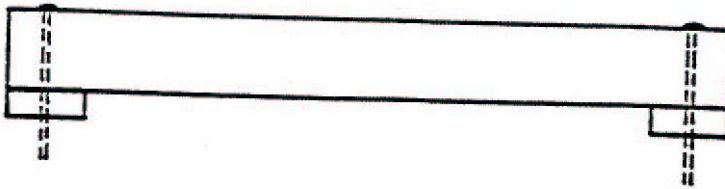
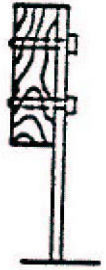
HANDICAP MARKING



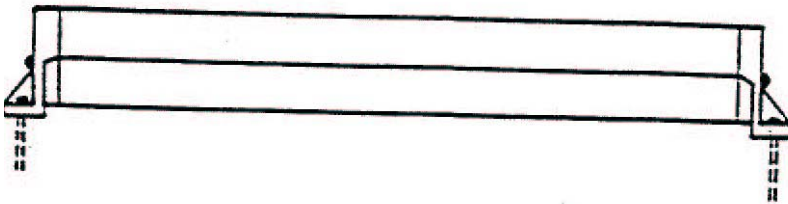


3"x 10" timber

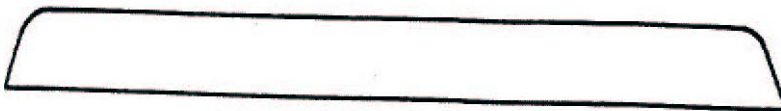
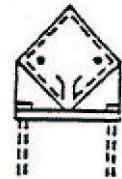
steel post



4" x 6" timber

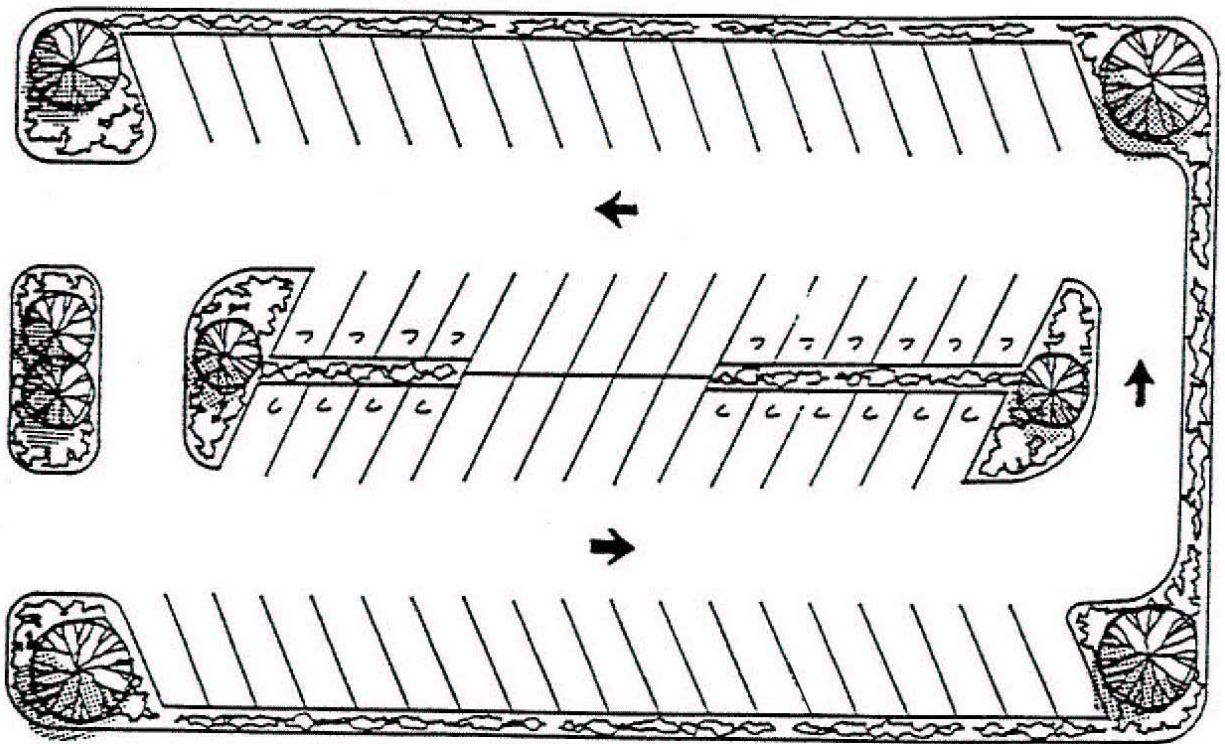


4" x 4" timber
& brakt.

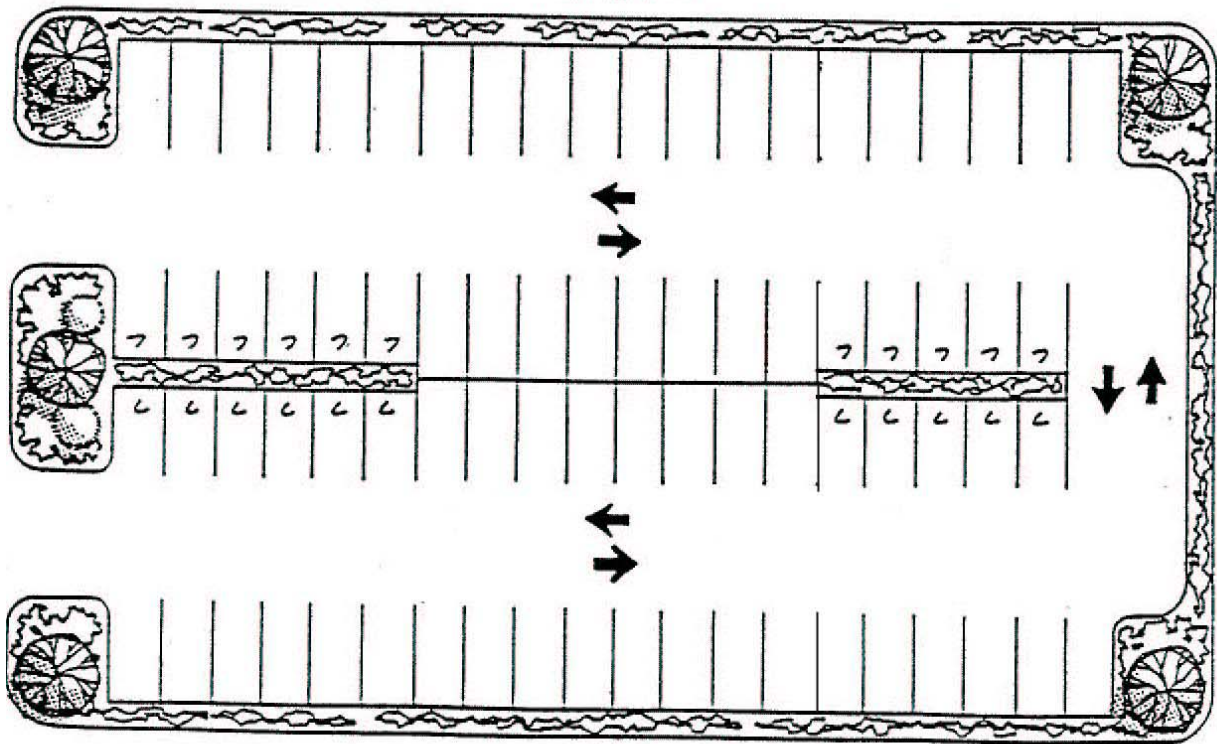


type C curbing



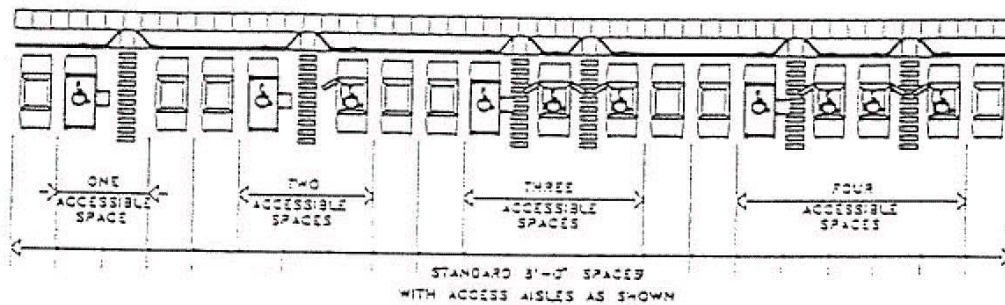
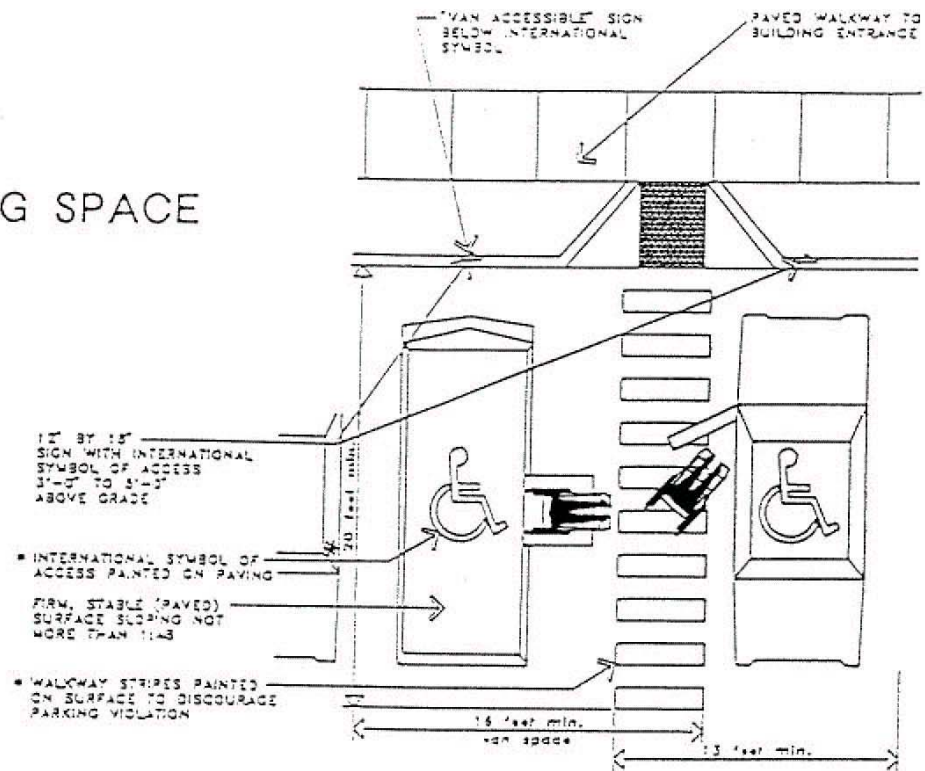


45°
ONE-WAY

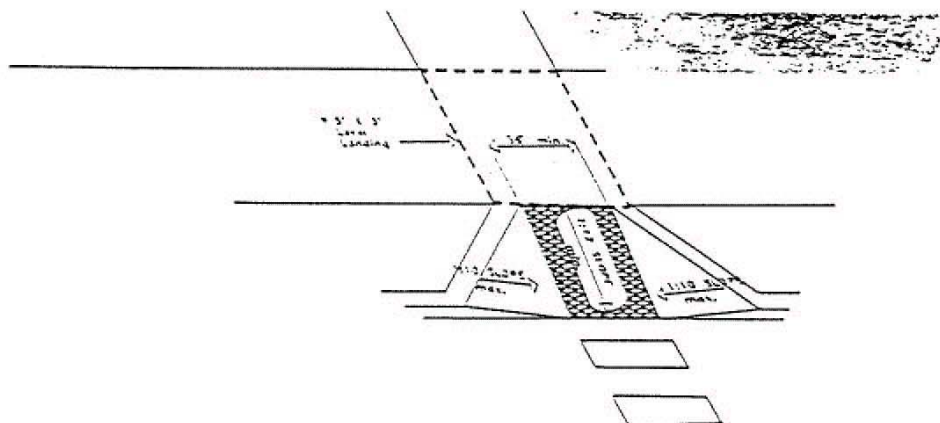


90°
TWO-WAY

PARKING SPACE



CURB CUTS



Chapter 17.64

AMENDMENTS AND REZONES

Sections:

17.64.010	Purpose.
17.64.020	Who may apply.
17.64.030	Submittal requirements.
17.64.040	Washington State Environmental Policy Act review.
17.64.050	Rezone review procedure.
17.64.060	Decisions criteria.
17.64.070	Zoning map change.
17.64.080	Public hearing notice.
17.64.090	Conduct of public hearings.
17.64.100	Limitation on refilling applications.
17.64.110	Appeal of city council decision to superior court.
17.64.120	Concomitant agreement.
17.64.130	Time limitation on development under rezone.
17.64.140	Performance bond required.

17.64.010 Purpose. The purpose of this chapter is to establish procedures for changing the zoning of property or the text of the zoning ordinance to reflect changing circumstances, needs, and policies. (Prior code § 11.021.010)

17.64.020 Who may apply.

- A. Reclassification of Property. The property owner, an authorized agent of the owner, or the city may apply. The city may initiate a rezone by the planning commission or the city council passing a motion. Any person or department staff may request that the planning commission or department council initiate a rezone. The department shall complete all necessary forms and provide all other information needed for applications initiated by the planning commission or city council.
- B. Amendment to Zoning Regulations. Any person or the city may apply. For the city to apply, the amendment shall be initiated by a motion passed by either the planning commission or the city council. Any person or department staff may request that the planning commission or city council initiate an amendment. The department shall complete all necessary forms and provide all other information needed for applications initiated by the planning commission or city council. (Prior code § 11.021.020)

17.64.030 Submittal requirements. The department shall specify the application forms and submittal requirements, including the type, detail and number of copies for a rezone or amendment application and shall determine whether it is complete and acceptable for filing. (Prior code § 11.021.020)

17.64.040 Washington State Environmental Policy Act review. The Washington State Environmental Policy Act (SEPA) policies and procedures will generally apply to actions taken under this chapter. Title 14 of the Aberdeen Municipal Code sets forth policies and procedures for SEPA compliance. (Prior code § 11.021.040)

17.64.050 Rezone review procedure.

- A. The applicant shall submit an application and any required fees to the department.
 - 1. The department shall review the application and determine if it is complete. The application shall not be deemed filed until the application is complete and all required fees have been paid.
 - 2. The department may establish deadlines for applications. Deadlines shall not be established more than thirty (30) days before planning commission meeting dates.
 - 3. The planning commission may limit the number of applications to be considered at a meeting as part of the commission's rules of procedure.
- B. Within five working days of the filing of the application, the department shall provide a copy of the application to the SEPA responsible official. SEPA review shall then be conducted as provided by Chapter 14.04.
- C. After a SEPA exemption, SEPA determination of non-significance, or SEPA final environmental impact statement is issued for an application, the department shall schedule a public hearing for the next planning commission meeting where the application can be accommodated and notice given, and provide notice of the hearing on the application as provided in Section 17.64.080.
- D. The planning commission shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 17.64.090. At the hearing, members of the planning commission may request such additional information as is reasonably necessary to evaluate the application.
- E. After the public hearing has concluded, the planning commission shall make a recommendation on the application.
 - 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The planning commission shall make a recommendation within thirty-five (35) days of the public hearing date.
 - 2. The recommendation shall be based on the decision criteria in Section 17.64.060.
 - 3. The planning commission may recommend conditions on the proposal or may recommend adoption of a more restrictive zoning district than requested in the application.
 - 4. The planning commission shall adopt findings of fact and conclusions which support the recommendation.
 - 5. The planning commission recommendation shall not be reconsidered by the planning commission, except as a new application. See Section 17.64.100 for time limits for new applications.
- F. The department shall transmit in writing the recommendation and the findings of fact and conclusions of the planning commission to the city council within fifteen (15) days of the date the recommendation was decided.

- G. At the meeting the planning commission recommendation is received, the city council shall set a date for a public hearing on the application and recommendation. The department shall give notice of the hearing following the requirements of Section 17.64.080.
- H. The city council shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 17.64.090. At the hearing, members of the city council may request such additional information as is reasonably necessary to evaluate the application.
- I. After conclusion of the public hearing, the city council shall decide the application.
 - 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The city council shall vote on the application within thirty-five (35) days of the initial public hearing date unless the applicant and any adverse parties agree in writing to an extension of time.
 - 2. The decision shall be based on the decision criteria in Section 17.64.060.
 - 3. The city council may condition the proposal or may adopt a more restrictive zoning district than requested in the application.
 - 4. If the city council considers placing modifications on an application to such an extent that it results in a proposal dissimilar from the description of the proposal contained in the hearing notice, the city council shall hold a new hearing on the modified proposal before approving the application. Notice of this public hearing shall be provided as required by Section 17.64.080.
 - 5. The city council shall adopt findings of fact and conclusions which support the decision.
 - 6. If the city council approves the application as presented, approves with conditions, or approves with a more restrictive zoning district than requested, such action shall be by ordinance. Any conditions shall be included in the ordinance.
- J. The decision of the city council and the findings of fact and conclusions shall be reduced to writing and mailed to the applicant within seven days of the effective date of adoption of the ordinance.
- K. The applicant or any other party authorized to conduct activities or uses by the decision may commence activity or obtain other required approvals authorized by the decision of the city council on the application seven days following the effective date of the ordinance. Activity commenced before the expiration of the full appeal period provided in Section 17.64.110 is at the sole risk of the applicant or other party undertaking the activity.
- L. The decision of the city council on the application is the final decision of the city and shall not be reconsidered except as a new application. See Section 17.64.100 for time limits for new applications.
- M. The decision of the city council on the application may be appealed to the superior court as provided in Section 17.64.110. (Prior code § 11.021.050)

17.64.060 Decisions criteria. The city may approve applications for rezones as presented, with conditions or with modifications if each of the following criteria is met:

- A. The rezone bears a substantial relationship to the public's health, safety or welfare.
- B. The rezone is in accordance with the comprehensive development plan and the policies of the proposed zoning district.
- C. The rezone is warranted because of changed circumstances, the need for additional property in the proposed zoning district, or because the proposed zoning district is appropriate for reasonable development of the subject property.
- D. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district.
- E. The rezone will benefit the city as a whole, but will not be substantially detrimental to nearby uses.
- F. The rezone complies with all other applicable criteria and standards of the Aberdeen Municipal Code. (Prior code § 11.021.060)

17.64.070 Zoning map change. Following approval of a rezone and adoption of an ordinance, the department shall alter the zoning map of the city of Aberdeen to reflect the change in the zoning district. The department shall also indicate on the zoning map the number of the ordinance adopting the change and the county auditor filing number of any concomitant agreement. (Prior code § 11.021.070)

17.64.080 Public hearing notice.

- A. Notices for public hearings for rezones shall contain the following information:
 - 1. The name of the applicant and, if applicable, the project name;
 - 2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;
 - 3. Mailed notices shall contain a vicinity map indicating the location of the subject property;
 - 4. A brief description of the proposal and existing and proposed zoning designations of the subject property;
 - 5. The deadline for comment;
 - 6. The date, time and place of the public hearing;
 - 7. A statement of the right of any person to participate in the public hearing;
 - 8. The notice for the city council hearing shall include a statement of the appeal process.
- B. Notices for public hearings for amendments to the zoning ordinance shall contain the following information:
 - 1. A summarization of the existing text and the proposed language of the amendment;
 - 2. The name of the applicant requesting the change;
 - 3. The deadline for comment;
 - 4. The date, time and place of the public hearing;
 - 5. A statement of the right of any person to participate in the public hearing;
 - 6. The notice for the city council hearing shall include a statement of the appeal process.

- C. The department shall provide notice at least ten days before a scheduled public hearing date.
- D. The department shall provide notice of public hearings for rezone applications by:
 - 1. Publishing within a newspaper of general circulation within the city;
 - 2. Mailing notice of the public hearing to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within three hundred (300) feet of any boundary of the subject property and of an contiguous property in the applicant's ownership. Failure to receive a properly mailed notice shall not effect the validity of any testimony or the legality of any action taken;
 - 3. Posting the subject property with at least one notice visible from a public street;
 - 4. Posting notice at one place visible to the public in Aberdeen City Hall.
- E. The department shall provide notice of public hearings for amendments to the zoning ordinance by:
 - 1. Publishing notice of the public hearing in a newspaper of general circulation within the city;
 - 2. Posting notice at one place visible to the public in Aberdeen City Hall;
 - 3. Mailing notice of the public hearing to each person who has requested such notice in writing. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken.
(Prior code § 11.021.080)

17.64.090 Conduct of public hearings.

- A. Any person may participate in the public hearing by making an oral presentation or by submitting written comments to the department before the public hearing. The department shall transmit all written comments received before the public hearing to the planning commission or city council no later than the public hearing.
- B. An electronic sound recording of each hearing before the planning commission and the city council shall be made and retained for at least one year after the date of such hearing.
- C. All documentary evidence presented at a hearing, as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the department.
- D. The planning commission or city council may continue a public hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the decision is made. No further notice of a continued hearing need be given unless a period of six weeks or more elapses between hearing dates.
- E. The planning commission or city council may place reasonable and equitable limitations on testimony, the presentation of evidence and arguments, and questions so the matter at issue may be heard and decided without undue delay.
(Prior code § 11.021.090)

17.64.100 Limitation on refilling applications. After a final decision denying an application, the department shall not accept any application for substantially the same proposal within one year from the date of denial. (Prior code § 11.021.100)

17.64.110 Appeal of city council decision to superior court. Any person may appeal the decision of the city council to superior court no more than thirty (30) days following the date of the city council decision on the application. Failure to appeal within the thirty-day period bars any further appeal process. (Prior code § 11.021.110)

17.64.120 Concomitant agreement. The city of Aberdeen may require that the applicant enter into a concomitant agreement with the city as a condition of the rezone and may, through that agreement, impose conditions designed to mitigate potential impacts of the rezone and the development pursuant to the rezone. After approval, all concomitant agreements shall be filed for record with the real property records of the Grays Harbor County Auditor. All concomitant agreements filed for record shall contain a legal description of the real property to which they apply. (Prior code § 11.021.020)

17.64.130 Time limitation on development under rezone. The city may, in the ordinance approving the rezone, establish a reasonable time within which development of the subject property must begin. If the city has established such a time limitation, the rezone will be considered revoked if the applicant, or a successor in interest to the applicant, has not obtained the necessary development permits and completed substantial construction by the specified date. (Prior code § 11.021.130)

17.64.140 Performance bond required. In appropriate circumstances, the city may require a reasonable performance assurance device in conformance with Section 17.96.140 to assure compliance with the ordinance of the zoning regulations, any development conditions or any concomitant agreement. (Prior code § 11.021.140)

Chapter 17.68

CONDITIONAL USE PERMITS AND VARIANCES

Sections:

- 17.68.010 Scope.**
- 17.68.020 Who may apply.**
- 17.68.030 Submittal requirements.**
- 17.68.040 Washington State Environmental Policy Act review.**
- 17.68.050 Conditional use permit and variance review procedure.**
- 17.68.060 Conditional use permit decision criteria.**
- 17.68.070 Variance decision criteria.**
- 17.68.080 Limitation on authority to grant variances.**
- 17.68.090 Public hearing notice.**
- 17.68.100 conduct of public hearings.**
- 17.68.110 Limitation on refilling applications.**
- 17.68.120 Appeal of Board of Adjustment decision to superior court.**
- 17.68.130 Time limitation on conditional use permits and variances.**
- 17.68.140 Expiration of conditional use permit.**
- 17.68.150 Performance bond required.**
- 17.68.160 Transfer of a conditional use permit or variance.**
- 17.68.170 Expansion of a conditional use.**
- 17.68.180 Revocation or modification of a conditional use permit or variance.**

17.68.010 Scope. This chapter establishes the procedure and criteria utilized in processing applications for conditional use permits and variances. (Prior code § 11.022.010)

17.68.020 Who may apply. The property owner or a lessee may apply for a conditional use permit or a variance. (Prior code § 11.022.020)

17.68.030 Submittal requirements. The department shall specify the application forms and submittal requirements including the type, detail and number of copies for a conditional use permit and variance to be deemed complete and to be accepted for filing. (Prior code § 11.022.030)

17.68.040 Washington State Environmental Policy Act review. The Washington State Environmental Policy Act (SEPA) may apply to certain actions taken under this chapter. See Title 14 for procedures. (Prior code § 11.022.040)

17.68.050 Conditional use permit and variance review procedure.

- A. The applicant shall submit an application and any required fees to the department.
 - 1. The department shall review the application and determine if it is complete. The application shall not be deemed filed until the department determines the application is complete and all required fees are paid.

2. The department may establish deadlines for applications. Deadlines shall not be established more than thirty (30) days before board of adjustment meeting dates.
3. The board of adjustment may limit the number of applications to be considered at a meeting as part of the board's rules of procedure.
- B. Within five working days of the filing of the application, the department shall provide a copy of the application to the SEPA responsible official for threshold review.
- C. After a SEPA exemption, SEPA determination of nonsignificance, or SEPA final environmental impact statement has been issued for an application; the department shall schedule a public hearing for the next board of adjustment meeting where the application can be accommodated and notice provided to the public.
- D. The board of adjustment shall conduct a public hearing on the application. The public hearing shall be conducted as provided in Section 17.68.100. At the hearing, members of the board of adjustment may request such additional information as is reasonably necessary to evaluate the application.
- E. After the public hearing has concluded, the board of adjustment shall decide the application.
 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The board of adjustment shall vote on the application within thirty-five (35) days of the initial public hearing date unless the applicant and any adverse parties agree in writing to an extension of time.
 2. Decisions on applications for conditional use permits shall be based on the decision criteria in Section 17.68.060. Decisions on applications for variances shall be based on the decision criteria in Section 17.68.070 and the limitation on the authority to grant variances in Section 17.68.080.
 3. The board of adjustment may condition or modify the proposal.
 4. If the board of adjustment considers placing modifications on an application to such an extent that it results in a proposal dissimilar from the description of the proposal contained in the hearing notice, the board of adjustment shall hold a new hearing on the modified proposal before approving the application. Notice of this hearing shall be provided as required by Section 17.68.090.
 5. The board of adjustment shall adopt findings of fact and conclusions, which support the decision and any required conditions.
- F. The decision of the board of adjustment and the findings of fact and conclusions shall be reduced to writing and mailed to the applicant by the department within seven days of the date of the decision.
- G. The decision of the board of adjustment on the application is the final decision of the city and shall not be reconsidered except as a new application.
- H. The board of adjustment decision shall not be reconsidered, except as a new application. See Section 17.68.110 for time limits for filing new applications.
- I. The decision of the board of adjustment on the application may be appealed to the superior court as provided in Section 17.68.120.

- J. The applicant or any other party authorized to conduct activities or uses by the decision of the board of adjustment, may commence or obtain additional required development permits seven days after the approval of the application. Activity commenced before the expiration of the full appeal period provided in Section 17.68.120 is at the sole risk of the applicant or other party. (Prior code § 11.022.050)

17.68.060 Conditional use permit decision criteria.

- A. The board of adjustment shall evaluate applications for conditional use permits, excepting for those requesting restoration of destroyed nonconforming uses, for conformance with all of the following criteria:
1. The proposed use is compatible with existing and potential uses in the general area;
 2. The proposed use will be served by adequate public facilities, including streets, fire protection, water, storm water and sanitary sewer;
 3. The proposed use is in accordance with the comprehensive development plan;
 4. The proposed use complies with the requirements of the zoning district where it will be located. A conditional use permit shall not be used to reduce the requirements of the zoning district in which the use is to locate;
 5. The conditional use permit complies with all other applicable criteria and standards of the Aberdeen Municipal Code.
- B. The board of adjustment shall evaluate applications for conditional use permits involving restoration of destroyed nonconforming uses for conformance with all of the following criteria:
1. The use bears a substantial relationship to the public health, safety or welfare;
 2. The use has value for the community as a whole;
 3. Relocating the use is either not possible or would create a hardship beyond the purchase and development of real property and the construction of improvements;
 4. The use is compatible with existing and potential uses in the general area;
 5. The design and layout of any structure(s) or use(s) is harmonious and appropriate in design, character and appearance with the existing character and quality of development in the immediate vicinity of the subject property, including the physical characteristics of the subject property;
 6. Adequate public facilities, including streets, fire protection, water, storm water and sanitary sewer, are available to service the use;
 7. There will not be an increase in the nonconformity of the use above the level existing at the time the use was destroyed;
 8. A conditional use permit shall not be used to further reduce the requirements of the zoning district where the use is located beyond that which existed at the time the use was destroyed;
 9. The conditional use permit complies with all other provisions of the Aberdeen Municipal Code. (Prior code § 11.022.060)

17.68.070 Variance decision criteria. The board of adjustment shall evaluate applications for variances for conformance with all of the following criteria:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties both in the vicinity and the zoning district where the subject property is located.
- B. The variance is necessary because of special circumstances relating to the size, shape topography, location or surroundings of the subject property to provide it with use rights and privileges allowed to other properties in both the vicinity and the zoning district where the subject property is located.
- C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in both the vicinity and in the zoning district where the subject property is located.
- D. The special circumstances of the subject property make the strict enforcement of the ordinance of the zoning regulations an unnecessary hardship to the property owner or lessee.
- E. The variance is the minimum necessary to fulfill the purpose of the variance and the need of the applicant.
- F. The variance is consistent with the purpose and intent of the zoning regulations. (Prior code § 11.022.070)

17.68.080 Limitation on authority to grant variance. The board of adjustment shall not grant a variance for the following purposes:

- A. To allow a use other than a use specifically listed as a permitted use, conditional use or special use in the zoning district where the subject property is located. Variances shall not be approved to allow an unlisted or unclassified use in any zoning district;
- B. Any provisions within the zoning regulations that specifically exclude the application of a variance;
- C. Any administrative or procedural provision of the zoning regulations. (Prior code § 11.022.080)

17.68.090 Public hearing notice.

- A. The department shall prepare notice for all public hearings and include the following information:
 - 1. The name of the applicant and, if applicable, the project name;
 - 2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;
 - 3. For those notices which will be mailed, a vicinity map indicating the location of the subject property;
 - 4. A brief description of the proposal and any provision of the zoning regulations for which an application for a variance has been made;
 - 5. The deadline for comment;
 - 6. The date, time, and place of the public hearing;
 - 7. The right for any person to participate in the public hearing per Section 17.68.100;

8. Appeals of actions taken by the board of adjustment must be made within thirty (30) days of the date of an application as provided in Section 17.68.120.
- B. The department shall provide notice at least ten days prior to a scheduled hearing.
- C. The department shall provide notice for all public hearings in the following manner:
 1. Publishing notice of the public hearing in a newspaper of general circulation within the department;
 2. Mailing notice of the public hearing to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within the following distances either from any boundary of the subject property or any contiguous property in the applicant's ownership: three hundred (300) feet for conditional use permits and one hundred (100) feet for variances. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken;
 3. Posting the subject property with at least one notice visible from a public street. (Prior code § 11.022.090)

17.68.100 Conduct of public hearings.

- A. Any person may participate in the public hearing by making an oral presentation or by submitting written comments to the department before the public hearing. The department shall transmit all written comments received before the public hearing to the board of adjustment no later than the public hearing.
- B. An electronic sound recording of each hearing before the board of adjustment shall be made and retained for at least one year after the date of such hearing.
- C. All documentary evidence presented at a hearing, as well as all other types of physical evidence, shall be made a part of the record of the proceedings and shall be kept by the department.
- D. The board of adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the decision is reached. No further notice of a continued hearing is required unless a period of six weeks or more elapses between hearing dates.
- E. The board of adjustment may place reasonable and equitable limitations on testimony, the presentation of evidence and arguments, and questions so the matter at issue may be heard and decided without undue delay. (Prior code § 11.022.100)

17.68.110 Limitation on refilling applications. After a final decision denying an application, the Department shall not accept any application for substantially the same proposal for one year from the date of denial. (Prior code § 11.022.110)

17.68.120 Appeal of board of adjustment decision to superior court. Any person may appeal the decision of the board of adjustment to superior court no more than thirty (30) calendar days following the date of decision. Failure to appeal within the specified period bars any further appeal process. (Prior code § 11.022.120)

17.68.130 Time limitation on conditional use permits and variances. A conditional use permit or variance becomes null and void if not exercised within the time limit specified or, if no time limit is specified, within three years of the date of approval by the board of adjustment or the date of the final resolution of any appeals, whichever is later. (Prior code § 11.022.130)

17.68.140 Expiration of conditional use permit. A conditional use permit shall become null and void if the use or activity authorized by the permit has been abandoned or discontinued for a period of one year or more. (Prior code § 11.02.140)

17.68.150 Performance bond required. The board of adjustment may require a performance bond as provided in Section 17.96.140 as a condition of approval for a conditional use permit to ensure conformance with its decision. (Prior code § 11.022.150)

17.68.160 Transfer of a conditional use permit or variance. An approved conditional use permit or variance may be transferred from the original applicant to any successors in interest to the applicant for the property for which the conditional use permit or variance was approved; provided, that all of the conditions and requirements of the approved permit or variance shall continue in effect as long as the use is pursued. (Prior code § 11.022.160)

17.68.170 Expansion of a conditional use. A conditional use shall not be extended, expanded or intensified beyond the limits allowed in the approved permit unless a new permit is approved in compliance with this chapter. (Prior code § 11.022.170)

17.68.180 Revocation or modification of a conditional use permit or variance.

- A. The board of adjustment shall have the power to revoke or modify an approved conditional use permit or variance if the board finds that one or more of the following criteria are met:
 - 1. The approval was obtained by fraud;
 - 2. The permit or variance is being exercised contrary to the terms or conditions of approval or in violation of law;
 - 3. The use or activity for which approval was granted is being exercised so as to be detrimental to the public health, safety or welfare.
- B. The board of adjustment may initiate the revocation or modification of a permit or variance if the board determines there is sufficient cause by calling a public hearing on the issue. Any aggrieved individual(s) may request in writing that the board initiate revocation of a conditional use permit or variance. Notice for such a hearing shall be provided as required by Section 17.68.090.
- C. The board of adjustment shall hold a public hearing before deciding whether to revoke or add conditions to the permit or variance. The public hearing shall be conducted as provided in Section 17.68.100. At the hearing, members of the board of adjustment may request such additional information as is reasonably necessary to evaluate whether the permit or variance should be revoked.
- D. After the public hearing has concluded, the board of adjustment shall decide whether to revoke or add conditions to the permit or variance. The decision may be made at the same public meeting as the public hearing or at another public

meeting. The board of adjustment shall vote on the revocation within thirty (30) days of the initial public hearing date unless the applicant and any adverse parties agree in writing to an extension of time. The decision shall be based on the decision criteria in Sections 17.68.060 and 17.68.070.

- E. If the board of adjustment revokes the permit or variance, the board may require restoration or reclamation of the property and set time limits for their completion.
- F. The board of adjustment shall adopt findings of fact and conclusions which support the decision and any required conditions.
- G. The decision of the board of adjustment and the findings of fact and conclusions shall be reduced to writing and mailed to the permit holder and property owner by the department within seven days of the date of the decision.
- H. The decision of the board of adjustment on the revocation is the final decision of the city and shall not be reconsidered, except as a new application. See Section 17.68.110 for time limits for filing new applications.
- I. The decision of the board of adjustment on the revocation may be appealed to the superior court as provided in Section 17.68.120.
- J. If the board of adjustment revokes a conditional use permit or variance, all activity shall immediately cease unless the board grants a period of time to complete the activity and reclaim the site or a court authorizes continued operation during an appeal. (Prior code § 11.022.180)

Chapter 17.72

SPECIAL USE PERMITS AND UNCLASSIFIED USE PERMITS

Sections:

- 17.72.010 Special use permit—Purpose.**
- 17.72.020 Unclassified use permit—Purpose.**
- 17.72.030 Who may apply.**
- 17.72.040 Submittal requirements.**
- 17.72.050 Washington State Environmental Policy Act review.**
- 17.72.060 Special use and unclassified use review procedure.**
- 17.72.070 Special use permit decision criteria.**
- 17.72.080 Unclassified use permit decision criteria.**
- 17.72.090 Public hearing notice.**
- 17.72.100 Conduct of public hearings.**
- 17.72.110 Limitation on refilling applications.**
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- 17.72.130 Time limitation on development under special use or unclassified use permit.**
- 17.72.140 Expiration of special use permit and unclassified use permit.**
- 17.72.150 Performance bond required.**
- 17.72.160 Transfer of a special use permit or unclassified use permit.**
- 17.72.170 Surface excavation exemptions.**
- 17.72.180 Requirements and standards for surface excavations.**
- 17.72.190 Existing surface excavations to obtain an unclassified use permit within two year of adoption of this title.**
- 17.72.200 Expansion of a special use of unclassified use.**
- 17.72.210 Revocation of a special or unclassified use permit.**

17.72.010 Special use permit—Purpose. The purpose of these provisions is to provide a permit review process that evaluates those uses listed as "special uses" within zoning districts to ensure their compatibility with other uses in the same zoning district. Special use permits are issued upon the recommendation of the planning commission and approval of the city council and typically involve a concurrent subdivision action. (Prior code § 11.023.010)

17.72.020 Unclassified use permit—Purpose. All of the uses regulated in this chapter, and all matters directly related thereto, are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various classifications herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a use permit. The purpose of a review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purpose of this chapter shall be served. (Prior code § 11.023.020)

17.72.030 Who may apply. The property owner, lessee or the authorized agent of the property owner or lessee. The property owner or lessee must sign the application. (Prior code § 11.023.030)

17.72.040 Submittal requirements.

- A. The department shall specify the application forms and submittal requirements for a special use or unclassified use permit application.
- B. Applications for an unclassified use permit for a surface excavation shall include the following details:
 - 1. The excavation and processing methods to be used, including the kinds of equipment to be operated on the site, timetables for excavation, measures to prevent air, soil and water pollution, and measures to screen the excavation and processing operations;
 - 2. Reclamation method and actions to be taken, including storm water runoff control measures, grading contours, and a time schedule for completing the reclamation activities;
 - 3. Streets and roads to be used in hauling, including what kinds of materials will be hauled, equipment used, estimated load weights, and measures to be taken to protect and restore public roads used to haul materials to and from the excavation.
- C. The department may waive specific submittal requirements determined to be unnecessary for review of an application. (Prior code § 11.023.040)

17.72.050 Washington State Environmental Policy Act review. The Washington State Environmental Policy Act (SEPA) may apply to actions taken under this chapter. See Title 14 for procedures. (Prior code § 11.023.050)

17.72.060 Special use and unclassified use review procedure.

- A. The applicant shall submit an application and any required fees to the department, who shall review the application for completeness. An application shall not be deemed filed until all requested information has been provided and required fees paid.
- B. The department may establish deadlines for applications not more than thirty (30) days prior to scheduled planning commission meeting dates.
- C. Within five working days of the filing of the application, the department shall provide a copy of the application to the SEPA responsible official for review.
- D. After a SEPA exemption, determination of non-significance, or final environmental impact statement has been issued for an application; the department shall schedule a public hearing for the next planning commission meeting where legal notice can be provided. The planning commission may limit the number of applications to be considered at a meeting as part of the commission's rules or procedure.
- E. The planning commission shall conduct a public hearing on the application and may request such additional information as is reasonably necessary to evaluate the application.

- F. After the public hearing has been concluded, the planning commission shall make a recommendation on the application.
 - 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The planning commission shall make a recommendation within thirty-five (35) days of the public hearing date.
 - 2. Recommendations on a special use permit shall be based on the decision criteria in Section 17.72.070 and recommendations on an unclassified use permit shall be based on the decision criteria in Section 17.72.080.
 - 3. The planning commission may recommend conditions on the proposal.
 - 4. The planning commission shall adopt findings of fact and conclusions which support the recommendation.
 - 5. The planning commission recommendation shall not be reconsidered by the planning commission, except as a new application. See Section 17.72.010 for time limits for new applications.
- G. The department shall transmit in writing both the recommendation and findings of fact and conclusions of the planning commission to the city council within fifteen (15) days of the date the recommendation was decided.
- H. At the meeting the planning commission recommendation is received, the city council shall set a date for a public hearing on the application and recommendation. The department shall give notice of the hearing following the requirements of Section 17.72.090.
- I. The city council shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 17.72.100. At the hearing, members of the city council may request such additional information as is reasonably necessary to evaluate the application.
- J. After the public hearing has concluded, the city council shall decide the application.
 - 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The city council shall vote on the application within thirty-five (35) days of the initial public hearing date unless the applicant and any adverse parties agree in writing to an extension of time.
 - 2. The decision on a special use permit shall be based on the decision criteria in Section 17.72.070. The decision on an unclassified use permit shall be
 - 3. The city council may condition the proposal. If the city council considers modifications on the application to such an extent that it results in a proposal dissimilar from the description of the proposal contained in the hearing notice, the city council shall hold a new hearing on the proposal before approving the application. Notice of this public hearing shall be provided as required by Section 17.72.090.
 - 4. The city council shall adopt findings of fact and conclusions which support the decision.
- K. The decision of the city council and the findings of fact and conclusions shall be reduced to writing and mailed to the applicant within seven days of the date of the decision.

- L. The decision of the city council on the application is the final decision of the city and shall not be reconsidered, except as a new application. See Section 17.72.110 for time limits for new applications. The decision of the city council on the application may be appealed to the superior court as provided in Section 17.72.120.
- M. The applicant or any other party authorized to conduct activities or uses by the decision may begin activity or obtain other required approvals authorized by the decision of the city council on the application seven days after the decision. Activity commenced before the expiration of the full appeal period provided in Section 17.72.120 is at the sole risk of the applicant or other party. (Prior code § 11.023.060)

17.72.070 Special use permit decision criteria. The city shall evaluate special use permit applications based upon meeting all of the following criteria:

- A. The proposed use is similar in design, character and appearance with the immediate vicinity and the subject property;
- B. The proposed use will be served by adequate public facilities, including streets, fire protection, water, storm water and sanitary sewer;
- C. The proposed use is in accordance with the comprehensive development plan;
- D. The proposed use complies with the requirements of the zoning district where it is located. A special use permit shall not be used to reduce the requirements of the zoning district where the use is to locate;
- E. The proposed use complies with all other provisions of the Aberdeen Municipal Code. (Prior code § 11.023.080)

17.72.080 Unclassified use permit decision criteria. The city shall evaluate unclassified use permit applications based upon the capability to be conditioned to meet all of the following criteria:

- A. The proposed use is consistent with the purpose and intent of the zoning district;
- B. The proposed use is similar in design, character and appearance with the immediate vicinity and the subject property;
- C. The proposed use is compatible with existing and potential uses in the general area;
- D. The proposed use will be served by adequate public facilities, including streets, fire protection, water, storm water and sanitary sewer;
- E. The proposed use is in accordance with the comprehensive development plan;
- F. If the proposed use is a surface excavation, the surface excavation complies with the requirements and standards in Section 17.72.180;
- G. The proposed use complies with the requirements of the zoning district where it is located. An unclassified use permit shall not be used to reduce the requirements of the zoning district;
- H. The unclassified use permit complies with all other requirements of the Aberdeen Municipal Code. (Prior code § 11.023.080)

17.72.090 Public hearing notice.

- A. The department shall prepare notice for all public hearings and include the following information:
 - 1. The name of the applicant and, if applicable, the project name;
 - 2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;
 - 3. A vicinity map for those notices that are mailed that indicates the location of the subject property;
 - 4. A brief description of the proposal;
 - 5. The deadline for comment;
 - 6. The date, time and place of the public hearing;
 - 7. That any person has a right to participate in the public hearing as provided in Section 17.72.100;
 - 8. That appeals of decisions by the city council may only be appealed within thirty (30) days of the date of the decision on the application as provided in Section 17.72.120.
- B. The department shall provide notice of a scheduled public hearing at least ten days before a hearing.
- C. The department shall provide notice for all public hearings by:
 - 1. Publishing one notice of the public hearing in a newspaper of general circulation within the city;
 - 2. Mailing notice of the public hearing to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within three hundred (300) feet of any boundary of the subject property or of any contiguous property in the applicant's and/or property owner's ownership. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken;
 - 3. Posting the subject property with at least one notice visible from a public street;
 - 4. Posting notice at one place visible to the public in Aberdeen City Hall. (Prior code § 11.023.090)

17.72.100 Conduct of public hearings.

- A. Any person may participate in the public hearing by submitting written comments or making an oral presentation to the planning commission or city council at the public hearing. The department shall transmit all written comments received before the public hearing to the planning commission or city council no later than the public hearing.
- B. The department shall make an electronic sound recording of each hearing. The city shall retain the electronic sound recording of the hearing for at least one year.
- C. All documentary evidence presented at a hearing, including all other types of physical evidence, shall be made a part of the record of the proceedings and shall be kept by the department.
- D. The planning commission or city council may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information

up to the point the decision is made. No further notice of a continued hearing need be given unless a period of six weeks or more elapses between hearing dates.

- E. The planning commission or city council may place reasonable and equitable limitations on testimony, the presentation of evidence, arguments, and questions so the matter at issue may be heard and decided without undue delay. (Prior code § 11.023.100)

17.72.110 Limitation on refilling applications. After a final decision denying an application, the department shall not accept any further application for substantially the same proposal for one year from the date of the denial. (Prior code § 11.023.110)

17.72.120 Appeal of city council decision to superior court. Any person may appeal the decision of the city council to superior court no more than thirty (30) calendar days following the date of the city council's decision. Failure to appeal within the specified period bars any further appeal process. (Prior code § 11.023.120)

17.72.130 Time limitation on development under special use or unclassified use permit. A special use permit or unclassified use permit shall become null and void if not exercised within the time limit specified in the permit or, if no time limit is specified, within three years of the date of approval by the city council or the date of the final resolution of any appeals, whichever is later. (Prior code § 11.023.130)

17.72.140 Expiration of special use permit and unclassified use permit.

- A. A special use or unclassified use permit shall become null and void if the use or activity authorized by the permit has been abandoned or discontinued for more than one year.
- B. Unclassified use permits authorizing surface excavations shall not be granted for more than five years at any one time. If the excavation is to continue beyond five years, a new application must be submitted and approved in compliance with this chapter. (Prior code § 11.023.140)

17.72.150 Performance bond required.

- A. The city council may require a reasonable performance bond as provided in Section 17.96.140 as a condition of approval to ensure conformance with its decision.
- B. Surface excavation activities shall not begin until a bond to guarantee completion of an approved reclamation plan has been obtained by the applicant. If a Washington Department of Natural Resources (DNR) surface excavation permit is required for the project, the city council may allow substitution of the DNR bond to meet this requirement. The bond shall be maintained in force until reclamation is complete and approved by the department. (Prior code § 11.023.150)

17.72.160 Transfer of a special use permit or unclassified use permit. An approved special use or unclassified use permit may be transferred from the original applicant to any successors in interest to the applicant for the property which the permit was approved; provided, however, that

all of the conditions and requirements of the approved permit shall continue in effect as long as the use continues, or in the case of surface excavations, the site is reclaimed. (Prior code § 11.023.160)

17.72.170 Surface excavation exemptions. An unclassified use permit shall not be required for:

- A. Surface excavations by an owner of property for materials to be used exclusively for improvements to property under the same ownership;
- B. Excavations for the construction of structures for which a building permit has been issued. (Prior code § 11.023.170)

17.72.180 Requirements and standards for surface excavations. All surface excavations authorized through an unclassified use permit shall comply with the following requirements and standards:

- A. The surface excavation shall be screened from all adjacent state highways, parks, schools, residential areas and commercial areas as required in Chapter 17.88.
- B. The operation shall maintain noise levels no greater than those established in the comprehensive development plan and Chapter 173-60 of the Washington Administrative Code.
- C. Operations shall be limited to those hours set by the city council.
- D. All surface and ground water discharges from the property where the excavation occurs shall comply with state of Washington standards both during operational and reclamation phases.
- E. Peak storm water runoff shall not be increased beyond levels naturally occurring at the site prior to commencement of excavation.
- F. Excavations made to depths of two feet or more below the low groundwater mark that create a standing body of water shall be reclaimed in the following manner:
 - 1. All banks of soil, sand, gravel or other unconsolidated materials shall be sloped to four feet below the summer low water level at a grade no greater than a 3:1 ratio;
 - 2. Portions of solid rock banks shall be stepped or other measures taken to permit a person to escape from the water.
- G. Side slopes of unconsolidated materials within an excavation pit shall be no steeper than one and one-half feet horizontal to one foot vertical.
- H. The slopes of walls in rock or other consolidated materials shall have no prescribed angle of slope, but where a hazardous condition is created that is not indigenous to the immediate area, the quarry shall be either graded or backfilled to a slope of one foot horizontal to one foot vertical.
- I. The peaks and depressions of all spoil banks, berms, or dikes shall be reduced to a gently rolling topography to minimize erosion and to resemble contours within the general vicinity.
- J. Stagnant water shall not be allowed to collect or remain on the surface excavation area. Drainage systems shall be constructed or installed to avoid such conditions if natural drainage is not possible.
- K. All materials used in reclamation of the excavation site shall be of non-hazardous, non-noxious, non-reactive, nonflammable, noncombustible solids unless a permit has been granted for a construction material or sanitary landfill.

- L. Acid-forming materials within excavation sites shall be covered with at least two feet of clean fill to prevent the water pollution. The final surface covering shall be graded so that surface water will drain away from the disposal area.
- M. The site shall be revegetated as appropriate to the future use of the site.
- N. Surface excavations disturbing streams must comply with requirements established by the state of Washington for excavation, reclamation, and landscaping.
- O. Soils susceptible to erosion must be shielded and/or contained on the site.
- P. Dust shall be controlled so that none drifts beyond the boundaries of the property of the excavation.
- Q. Excavation is permitted only for the amount provided in the permit.
- R. All reclamation activities shall be completed within two years of the cessation of excavation.
- S. The property owner and any successors in interest shall maintain the reclaimed site in compliance with the reclamation plan and any conditions of approval. Any modifications to the approved reclamation plan shall be processed as a new permit application.
- T. Reclamation plans shall be initiated at the earliest possible time after completion or discontinuance of mining any segment of the excavation.
- U. The types of landscaping utilized around the excavation site should be compatible with nearby uses. (Prior code § 11.023.180)

17.72.190 Existing surface excavations to obtain an unclassified use permit within two years of adoption of this title. Except for those surface excavations exempted in Section 17.72.170, all existing surface excavations within the city of Aberdeen shall obtain an unclassified use permit in compliance with this chapter or cease operations within two years of the effective date of this title. Any surface excavations ceasing operation shall comply with any reclamation requirements applicable to development. (Prior code § 11.023.190)

17.72.200 Expansion of a special use or unclassified use. A special use or unclassified use shall not be extended, expanded or intensified beyond the limits allowed in the approved permit unless a new permit is approved in compliance with this chapter. (Prior code § 11.023.200)

17.72.210 Revocation of a special or unclassified use permit.

- A. The planning commission shall have the power to revoke or modify an approved special or unclassified use permit if it finds that one or more following criteria are met:
 - 1. The approval was obtained by fraud;
 - 2. The special or unclassified use permit is being exercised contrary to the terms or conditions of approval or in violation of law;
 - 3. The use or activity for which approval was granted is resulting in a detrimental condition to the public health, safety or welfare.
- B. The planning commission may initiate the revocation of a special or unclassified use permit if the commission determines there is sufficient cause to hold a hearing on revocation of the permit. Any aggrieved party may request in writing that the

commission initiate the revocation of a permit. Notice shall be provided as required by Section 17.72.090.

- C. The planning commission shall hold a public hearing before deciding whether to revoke or modify a special or unclassified use permit. The public hearing shall be conducted as provided in Section 17.72.100. At the hearing, members of the commission may request such additional information as is reasonably necessary to evaluate whether the permit should be revoked.
- D. After the public hearing has concluded, the planning commission shall decide whether to revoke or add conditions to the permit. The decision may be made at the same public meeting as the public hearing or at another public meeting. The planning commission shall vote on the revocation within thirty-five (35) days of the initial public hearing date unless the permit holder and any adverse parties agree in writing to an extension of time. The decision shall be based on the decision criteria of Section 17.72.210(A).
- E. If the planning commission revokes the special or unclassified use permit, the Commission may require restoration or reclamation of the property and may set time limits for the completion of these activities.
- F. The planning commission shall adopt findings of fact and conclusions which support the decision.
- G. The decision of the planning commission and the resulting findings of fact and conclusions shall be reduced to writing and mailed to the permit holder and property owner by the department within seven days of the date of the decision.
- H. The planning commission decision shall not be reconsidered, except as a new application or appealed to the city council. See Section 17.72.110 for time limits for filing new applications.
- I. Once the planning commission revokes the permit, all activity authorized by the special or unclassified use permit shall immediately cease. The commission may grant to the former permit holder a period of time to complete the activity, to reclaim the site or file an appeal with the city council.
- J. The decision of the planning commission may be appealed to the city council by any aggrieved person within thirty (30) days of the decision. The appeal shall be in writing, stating the reasons for the appeal and filed with the department.
- K. The department shall transmit the appeal and the decision and findings of fact and conclusions of the planning commission to the city council within fifteen (15) days of the date the appeal was received by the department.
- L. At the meeting the appeal is received, the city council shall set a date for a public hearing on the appeal. The department shall give notice of the hearing following the requirements of Section 17.72.090.
- M. The city council shall conduct a public hearing on the appeal. The hearing shall be conducted as provided in Section 17.72.100. At the hearing, members of the city council may request such additional information as is reasonably necessary to evaluate the appeal.
- N. After the public hearing has concluded, the city council shall decide whether to revoke or add conditions to the permit. The decision may be made at the same public meeting as the public hearing or at another public meeting. The city council shall vote on the application within thirty-five (35) days of the initial

public hearing date. The decision on the appeal shall be based on the decision criteria in Section 17.72.210(A). The city council may accept, modify or overturn the planning commission's actions.

- O. If the city council revokes the permit, the council may require restoration or reclamation of the property and set time limits for the completion of these activities.
- P. The city council shall adopt findings of fact and conclusions which shall be reduced to writing and mailed to the permit holder and property owner within seven days of the date of the decision.
- Q. If the city council revokes the permit, all activity that had been authorized by the special or unclassified use permit shall immediately cease, unless the council grants a period of time to complete the activity or reclaim the site.
- R. The decision of the city council is the final decision of the city and may be appealed to Superior Court as provided in Section 17.72.210. The city council decision shall not be reconsidered, except as a new application. See Section 17.72.110 for time limits for new applications. (Prior code § 11.023.210)

Chapter 17.76

APPEALS OF ADMINISTRATIVE DECISIONS

Sections:

- 17.76.010 Scope.**
- 17.76.020 Who may appeal.**
- 17.76.030 Submittal requirements.**
- 17.76.040 Appeal period for administrative decisions.**
- 17.76.050 Stay of enforcement during appeal.**
- 17.76.060 Appeal procedures for administrative decisions.**
- 17.76.070 Appeal criterion.**
- 17.76.080 Public hearing notice.**
- 17.76.090 Conduct of public hearings.**
- 17.76.100 Limitation on refilling appeals.**
- 17.76.110 Appeal of Board of Adjustment decision.**

17.76.010 Scope. This chapter establishes procedures and limitations for appealing administrative decisions pertaining to zoning regulations. (Prior code § 11.024.010)

17.76.020 Who may appeal. Any aggrieved person(s) who has applied for a permit approval, requested an administrative decision, or has been adversely affected by an administrative decision, may appeal. (Prior code § 11.024.020)

17.76.030 Submittal requirements. A person appealing the decision or order of the department shall submit to the department the required fee and a written statement containing the facts that:

- A. Establish the appellant's right to appeal the decision;
- B. The specific exceptions and objections to the decision or order that is being appealed;
- C. The relief expected from the decision being appealed;
- D. Any other information as is reasonably necessary to make a decision on the appeal. (Prior code § 11.024.030)

17.76.040 Appeal period for administrative decisions. A written statement appealing the decision or order must be filed with the department no later than thirty (30) days from the date the decision is mailed or otherwise becomes effective. All development, construction and/or uses performed during this appeal period are at the risk of the person or persons undertaking the activity or use. (Prior code § 11.024.040)

17.76.050 Stay of enforcement during appeal. The filing of an appeal stays all actions by the department from seeking enforcement or compliance against the decision being appealed; provided, however, that the department may require that the activity or use cease or be removed if its continuance would result in an imminent threat to life or property. In such an event, the stay will remain in place until a decision is reached by the board of adjustment. (Prior code § 11.024.050)

17.76.060 Appeal procedures for administrative decisions.

- A. Upon receipt of a written statement in accordance with Section 17.76.030, the department shall schedule a public hearing for the next board of adjustment meeting where the appeal request can be accommodated and proper notice given as provided in Section 17.76.080. The department may establish deadlines for appeals, provided, however that deadlines shall not be established more than thirty (30) days prior to regularly scheduled board of adjustment meeting dates. The board of adjustment may limit the number of applications and appeals to be considered at a meeting as part of the board's rules of procedure.
- B. The department shall prepare a written report stating the facts and conclusions on the decision or order that has been appealed. The department shall provide a copy of the report to the appellant at least seven days prior to the hearing date.
- C. The board of adjustment shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 17.76.090. At the hearing, members of the board of adjustment may request additional information as is reasonably necessary to evaluate the appeal.
- D. After the public hearing has concluded, the board of adjustment shall decide the appeal.
 - 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The board of adjustment shall vote on the appeal within thirty-five (35) days of the initial public hearing date unless the appellant agrees in writing to an extension of time.
 - 2. Decisions on appeals shall be based on the decision criterion in Section 17.76.070.
 - 3. The board of adjustment may reverse, affirm or modify the decision or order of the department.
 - 4. The board of adjustment shall adopt findings of fact and conclusion, which support the decision on the appeal and any required conditions.
- E. The decision of the board of adjustment and the findings of fact and conclusions shall be reduced to writing and mailed to the appellant by the department within seven days of the date of the decision.
- F. The decision of the board of adjustment on the appeal is the final decision of the city and may only be appealed to superior court as provided in Section 17.72.110. The board of adjustment decision shall not be reconsidered, except as a new appeal. See Section 17.72.100 for time limits for filing new appeals.
- G. The appellant or any other party authorized to conduct activities or uses by the decision may commence activity or obtain other required approvals authorized by the decision of the board of adjustment on the appeal seven days following the decision on the appeal. Activity commenced before the expiration of the full appeal period provided in Section 17.72.110 is at the sole risk of the applicant or other party. (Prior code § 11.024.060)

17.76.070 Appeal criterion. The board of adjustment shall evaluate an appeal only as it relates to interpreting specific terms or procedures within the zoning code and not the merits of the proposal or the property affected by the decision. (Prior code § 11.024.070)

17.76.080 Public hearing notice.

- A. The department shall prepare notice for all public hearings and include the following information:
 - 1. The name of the appellant and, if applicable, the project name;
 - 2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;
 - 3. A brief description of the basis for the appeal;
 - 4. The date, time and place of the public hearing;
 - 5. That any person has a right to participate in the public hearing as provided in Section 17.72.090;
 - 6. That appeals of the board of adjustment decision may be made no later than thirty (30) days from the date of the board's decision on the appeal as provided in Section 17.72.110.
- B. The department shall provide notice of a scheduled public hearing at least ten days before a hearing.
- C. The department shall provide notice for all public hearings in the following manner:
 - 1. Publishing notice of the public hearing in a newspaper of general circulation within the city;
 - 2. Mailing notice of the public hearing to the appellant and any affected project proponent. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken. (Prior code § 11.024.080)

17.76.090 Conduct of public hearings.

- A. Any person may participate in the public hearing by submitting written comments or making an oral presentation to the board of adjustment. The department shall transmit all written comments received before the public hearing to the board of adjustment no later than the public hearing.
- B. The department shall make an electronic sound recording of each hearing. The department shall retain the electronic sound recording of the hearing for at least one year after the date of such hearing.
- C. All documentary evidence presented at a hearing, as well as all other types of physical evidence, shall be made a part of the record of the proceedings and kept by the department.
- D. The board of adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the decision is made. No further notice of a continued hearing need be given unless a period of six weeks or more elapses between hearing dates.
- E. The board of adjustment may place reasonable and equitable limitations on testimony, the presentation of evidence, arguments and questions so the matter at issue may be heard and decided without undue delay. (Prior code § 11.024.090)

17.76.100 Limitation on refiling appeals. Upon final decision denying an appeal, the department shall not accept any further appeals for substantially the same issue within one year from the date of the decision. (Prior code § 11.024.100)

17.76.110 Appeal of Board of Adjustment decision. The appellant or any person(s) affected by the project may appeal the decision of the board of adjustment to superior court no later than thirty (30) calendar days following the date of the board of adjustment decision on the appeal or is thereafter barred. (Prior code § 11.024.010)

Chapter 17.80

ADMINISTRATIVE SITE PLAN REVIEW

Sections:

- 17.80.010 Purpose.**
- 17.80.020 Site plans required.**
- 17.80.030 Submittal requirements.**
- 17.80.040 Development compliance with approved site plan.**
- 17.80.050 Authorizing use or occupancy prior to completion.**

17.80.010 Purpose. The purpose of this chapter is to establish how and when proposals are reviewed to ensure that uses and developments are in compliance with land use policies and regulations. This review process is typically initiated when a use is established or development occurs which requires a permit or review process. (Prior code § 11.025.010)

17.80.020 Site plans required. A site plan shall be submitted to the department for review when any development or use established falls under any one of the following categories:

- A. The construction of any new structure or additions to an existing structure;
- B. The construction or expansion of parking lots for more than four spaces;
- C. Changes in use that will increase parking requirements, lie within shoreline master program jurisdiction or qualify as an action under the state Environmental Policy Act. (Prior code § 11.025.020)

17.80.030 Submittal requirements. The department shall specify the submittal requirements for a site plan to be deemed complete and acceptable for filing. (Prior code § 11.025.030)

17.80.040 Development compliance with approved site plan. All development, construction, occupancy or use of any property shall be in compliance with the approved site plan prior to the beginning of a use or occupancy of a structure, except as provided by Section 17.80.050. (Prior code § 11.025.040)

17.80.050 Authorizing use or occupancy prior to completion.

- A. In the event that weather conditions or other factors beyond the control of the applicant, exclusive of financial hardship, renders it unreasonable to require the applicant to fully comply with the site plan prior to the beginning of a use or occupancy of any building, the department may authorize relaxation of this requirement on the condition that the applicant completes all requirements within a specified time, not to exceed one year. If the requirements are not completed within the required period, the use or occupancy of the property and/or buildings shall cease until all requirements are satisfied.
- B. If such a relaxation is granted, the department may require a performance bond in conformance with Section 7.96.140 to assure compliance with the requirements of the approved site plan. (Prior code § 11.025.050)

Chapter 17.84

SIGNS

Sections:

17.84.010	Purpose.
17.84.020	Permits required for signs.
17.84.030	Signs exempt from permit requirements.
17.84.040	Computation of sign area.
17.84.050	Total advertising area allowed.
17.84.060	Freestanding signs.
17.84.070	Location and height requirements.
17.84.080	Sign illumination and signs containing lights.
17.84.090	Miscellaneous sign provisions.
17.84.100	Nonconforming signs.
17.84.110	Boone Street area specific sign regulations.
17.84.120	Lighting.

17.84.010 Purpose. The purpose of this chapter is to regulate the use, construction, size and placement of signs to ensure the public's safety and welfare by lessening the potential for adverse impacts on traffic, the community and adjacent uses. (Prior code § 11.026.010)

17.84.020 Permits required for signs. Except as provided in Section 17.84.030, no sign shall be constructed, erected, moved, enlarged, illuminated or substantially altered without an approved sign permit, and if required, building and/or electrical permit. A permissive use permit is required for any sign located within a city right-of-way, including those exempted from obtaining a sign permit under Section 17.84.030. (Prior code § 11.026.020)

17.84.030 Signs exempt from permit requirements. Signs that fall under one or more of the following categories are exempt from having to obtain a sign permit:

- A. Residential signs not exceeding four square feet in total area;
- B. Signs less than six square feet erected for home occupations and beauty shops as regulated in Sections 17.56.030 and 17.56.040;
- C. Official signs of a noncommercial nature erected by public utilities or government agencies;
- D. Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising message;
- E. Election or political campaign signs. No such sign shall exceed thirty-two (32) square feet in surface area and shall be removed within fifteen (15) days from the date of vote;
- F. Signs proclaiming religious, political or other similar noncommercial messages and do not exceed one per abutting street, thirty-two (32) square feet in area and are not internally illuminated;
- G. No more than two signs identifying a residential subdivision, mobile home park, multi-family dwelling or housing development that do not exceed thirty-two (32)

- square feet in advertising area and are not illuminated. The signs shall be located on the premises of the development they identify and shall be at least ten feet from any right-of-way or access easement;
- H. Un-illuminated signs not exceeding a total of six square feet each and not more than two in number pertaining to the rental, sale or lease of the residential property upon which the sign is located;
 - I. Un-illuminated signs not exceeding a total of thirty-two (32) square feet each and not more than two in number pertaining to the rental, sale or lease of the commercial, mixed use or industrial zoned property upon which the sign is located;
 - J. Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer planner, contractors and subcontractors, funding sources, and may contain related information. Not more than one such sign may be erected per site and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected prior to the issuance of the building permit and shall be removed within ten days after the issuance of the occupancy permit.
 - K. Holiday decorations and banners displaying no commercial message.
 - L. Flags of political jurisdiction. (Prior code § 11.026.030)

17.84.040 Computation of sign area.

- A. The total surface area of site signage shall be the advertising area.
- B. Advertising area means the total number of square feet within the boundaries of a parallelogram or triangle which encloses the message, work, symbol, design, picture or visual medium visible on the surface of any sign. For signs where single letters are located on separate surfaces facing the same direction, the advertising area shall be computed by adding together the advertising area of each separate letter. Where a sign includes surfaces facing in different directions, the advertising area shall be the largest total of advertising area visible from any one direction and in the case of a cylindrical or spherical-shaped sign, the advertising area shall be the diameter. The total advertising area shall include all on-site and off-premise signage for the use. (Prior code § 11.026.040)

17.84.050 Total advertising area allowed.

- A. Unless otherwise provided in this chapter, the total advertising area devoted to all signs for any use shall not exceed the limitations set forth in this section, and all signs, except those excluded from the requirement to obtain a permit by Section 17.84.030, shall be included in this calculation.
- B. Subject to the other provisions of this section, the maximum advertising area permitted for any use shall be three hundred fifty (350) square feet.
- C. Not more than one identification sign and bulletin board for a church, child care service, school or other public or semi-public use within a residential district. Each sign shall not exceed sixteen (16) square feet in area and must be located on the premises, provided that no portion thereof shall be closer than ten feet from any right-of-way.
- D. Nonconforming commercial, public or industrial uses within a residential district are allowed not more than one identification sign not to exceed sixteen (16)

square feet in area and located on the premises; provided, that no portion thereof shall be closer than ten feet from any right-of-way. (Prior code § 11.026.050)

17.84.060 Freestanding signs.

- A. A single side of a freestanding sign may not exceed two hundred fifty (250) square feet in surface area.
- B. No development may have more than one freestanding sign, except under the following circumstances:
 - 1. If a development is located on a corner lot that has more than fifty (50) feet of frontage on each of the two intersecting public streets, then the development may have more than one freestanding sign on each side of the development bordered by such streets.
 - 2. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have no more than one freestanding sign on each side of the development bordered by such streets.
- C. Not more than one freestanding identification sign and not more than one freestanding bulletin board for a church, child care service, school or other public or semi-public use within a residential district. (Prior code § 11.026.060)

17.84.070 Location and height requirements.

- A. No sign or supporting structure may be located in or over the roadway of any public rights-of-way unless the sign is attached to a structural element of a building and a permissive use permit has been obtained from the city. Signs projecting over public rights-of-way shall be at least ten feet from the ground or sidewalk unless attached to a projecting canopy. Signs attached to the underside of a projecting canopy shall not be closer than eight feet to the ground or sidewalk.
- B. No part of any freestanding sign may exceed a height of twenty-five (25) feet measured from ground level. (Prior code § 11.026.070)

17.84.080 Sign illumination and signs containing lights.

- A. Lighting directed toward a sign and internally illuminated signs shall be shielded so that only the face of the sign is illuminated. The light must not shine directly into a public right-of-way or residential premises.
- B. Illuminated tubings or strings of lights not associated with the observance of holidays that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited.
- C. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, weather conditions and brief messages.
- D. Neon tubing of a diameter no greater than one-half inch may be used as a permanent architectural feature on a building. (Prior code § 11.026.080)

17.84.090 Miscellaneous sign provisions.

- A. Off-premises signs no greater than fifty (50) square feet except those exempted from the requirement to obtain a permit by Section 17.84.030 may be allowed in commercial and industrial zones as conditional uses. Except as provided in subsection (B) of this section, off-premises signs shall be included in computing the number of signs and the total advertising area of signs for a use.
- B. Un-illuminated off-premises directional signs pertaining to semi-public uses, the general location of tourist facilities, the general location of shopping facilities, and the general location of significant residential developments may be allowed adjacent to or on the street right-of-way of a state highway, collector street or arterial street subject to obtaining a conditional use permit. Each sign shall not be more than four square feet in area and be in conformance with standards established in the Washington State Department of Transportation Manual of Signing. Signs allowed under this subsection shall not be considered freestanding signs and shall not be included in computing the number of signs and the area of signs on a lot.
- C. Plans for projecting signs, except projecting canopy signs, more than twenty (20) feet high shall be signed by a registered engineer.
- D. No sign may be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- E. Signs shall not generate sound intended to attract attention or provide a message.
- F. If streamers, pennants, propellers and similar components are used on or in a sign, they shall be included in the calculation of a sign's area.
- G. No sign may be erected so that by its location, color, size, shape, nature or message, it would obstruct the view of or be confused with traffic signs or other signs erected by governmental agencies.
- H. All signs shall comply with the design standards of Aberdeen Municipal Code Chapter 15.40.
- I. If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign. (Prior code § 11.026.090)

17.84.100 Nonconforming signs.

- A. No nonconforming sign may be enlarged, illuminated, altered or intensified in such a manner as to increase a nonconforming condition.
- B. If a nonconforming sign is destroyed more than fifty (50) percent of its replacement value, it may not be repaired, reconstructed or replaced.
- C. Any signs, existing on the effective date of this title, but not conforming to the provisions of this code, shall be permitted to continue; provided, that signs for discontinued use shall be removed within thirty (30) days of discontinuance of the use. If not removed before the deadline, the city shall have the right to remove such sign and to collect any expense from the property owners. If the advertising

area or structure of a nonconforming sign is altered in any way such sign shall be brought into compliance with the provision of this chapter. (Prior code § 11.026.100)

17.84.110 Boone Street area specific sign regulations. In addition to the requirements of this chapter, the following additional regulations apply to Boone Street from the Chehalis River south to the city limits and one block to its east and west:

- A. Changeable letter signs shall be allowed only as a portion of a freestanding sign or attached to a building;
- B. Off-premise advertising and portable signs are not permitted, except those noted in Sections 17.84.030(C) and (F);
- C. No signage shall exceed a total advertising area of more than two hundred (200) square feet;
- D. No sign shall exceed a total height of twenty (20) feet, (Prior code § 11.026.110)

17.84.120 Lighting. All lighting for required parking facilities or signage shall be designed to reflect light away from adjacent residential areas and streets. (Prior code § 11.026.120)

Chapter 17.88

LANDSCAPING

Sections:

- 17.88.010 Purpose.**
- 17.88.020 General landscaping standards.**
- 17.88.030 Description of landscaping.**
- 17.88.040 Type of landscaping required.**
- 17.88.050 Landscaping plan requirements.**
- 17.88.060 Installation and performance bond requirements.**
- 17.88.070 Maintenance and enforcement.**

17.88.010 Purpose. The purpose of the landscaping requirements of this chapter is to increase compatibility between different intensities of land uses by providing visual barriers, and providing a visual separation and physical buffer between varying intensities of abutting land uses; to encourage the retention of significant existing vegetation to the extent feasible; to reduce erosion and water runoff; to minimize impacts of noise, light and glare; and to aid in regulating vehicular circulation. (Prior code § 11.028.010)

17.88.020 General landscaping standards. Where required by this title or as a condition for a rezone, conditional use permit, special use permit, or unclassified use permit, the proposed development shall provide landscaping so that:

- A. Neighboring properties are shielded from any adverse external effects of that development;
- B. The development is shielded from the negative impacts of adjacent uses such as streets or railroads;
- C. When determining which buffering requirements apply between two different principal uses on the same lot and another adjacent use, the city shall utilize the more intensive use to select the appropriate buffer;
- D. Significant existing vegetation is retained and incorporated into the new landscaping design. (Prior code § 11.028.020)

17.88.030 Description of landscaping. The following are types of landscaping as required in Section 17.88.040; all proposed plant material, sizes and characteristics shall be in accordance with current American Association of Nursery Standards:

- A. Type I - Screen. Type I landscaping shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and ground covers. Evergreen trees shall be a minimum height of four feet at time of planting. Plantings shall be chosen and spaced so as to grow together within three years sufficient to obscure sight through the barrier. The entire planting strip shall be landscaped; however, those plantings used to achieve the sight-obscuring screen shall cover at least five feet of the width of the strip, and shall be located farthest from the property line. Existing vegetation may be incorporated into the landscape providing it contributes to achieving the intent of this subsection. See Figure L-1.

- B. Type II - Visual Buffer. Type II landscaping shall consist of a mix of evergreen and deciduous plantings including living trees, shrubs and ground covers. Plantings of shrubs and ground covers shall be chosen and spaced to result in a total covering of the landscape strip. Shrubs shall be of a type that achieve a height of approximately six feet within three years, and effectively screen views along the length of the planting strip. Deciduous trees shall have a minimum trunk diameter of one and three-quarter inches at time of planting; evergreen trees shall be a minimum four feet tall at time of planting. All trees shall be spaced at intervals resulting in touching of branches after ten years of normal growth. Trees shall be staggered in two or more rows when the minimum width of the landscaping strip is twenty (20) feet or more. Existing vegetation may be incorporated into the landscape design provided it contributes to achieving the intent of this subsection. See Figure L-1.
- C. Type III - See Through Buffer. Type III landscaping shall consist of a mix of evergreen and deciduous plantings including living trees, shrubs and ground covers. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within three years. Shrubs shall be of a type that do not exceed a height at maturity of approximately three to four feet. Deciduous trees shall have a minimum trunk diameter of one and three-quarter inches at time of planting, and be spaced so as to result in touching of branches after ten years of normal growth. Evergreen trees shall be a minimum of four feet tall at time of planting and spaced so as to result in a space between trees approximately equal to the mature spread of the trees used. See Figure L-1.
- D. Type IV - Open Area Landscaping. Type IV landscaping shall consist of canopy-type deciduous trees or spreading evergreen trees planted in wells or strips, with a mix of living evergreen and deciduous ground covers and low shrubs. Shrubs shall be of a type that do not exceed a height at maturity of approximately three to four feet. Planting wells or strips shall be a minimum of thirty-two (32) square feet in area, with the narrowest dimension not less than four feet. Deciduous trees shall have a minimum trunk diameter of one and three quarter inches at time of planting. Evergreen trees shall be a minimum of four feet tall at time of planting. See Figure L-1. (Prior code § 11.028.030)

17.88.040 Type of landscaping required. Landscaping shall be provided in all developments subject to this title as set forth below, except for single-family residences and duplexes:

- A. Table L-2 sets forth the type and width of landscaping required along side and rear property lines not abutting public right-of-ways, streets or alleys. The proposed use shall buffer less intensive uses adjacent to it.
- B. Five feet of Type III landscaping is required adjacent to all streets, except where permitted structures and driveways are proposed.
- C. Type IV landscaping shall be provided within all surface, open air parking lots, as follows:
 - 1. At least ten percent of the total parking area, excluding any other required landscaping, shall be utilized for landscaping when said areas exceed twenty (20) parking stalls;

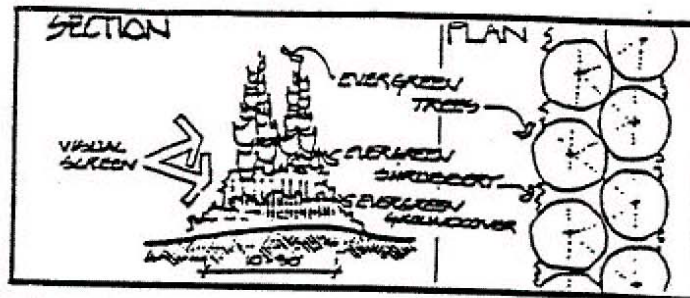
2. At least one tree for every five parking stalls shall be provided, to be evenly distributed throughout the parking lot;
 3. No parking stall shall be more than sixty (60) feet from the nearest landscaping;
 4. Permanent curbs and structural barriers shall be provided to protect the plantings from vehicle overhang. See Figure P-4 in Chapter 17.60 for design details;
 5. A minimum of forty (40) percent of the trees shall be evergreen.
- D. Landscaping is not required adjacent to alleys.
 - E. The buffer requirement between uses not specifically mentioned in this chapter shall be the same as the most similar above circumstance. (Prior code § 11.028.040)

17.88.050 Landscaping plan requirements. The plan shall be accurately drawn, using an appropriate engineering or architect scale, and show the following:

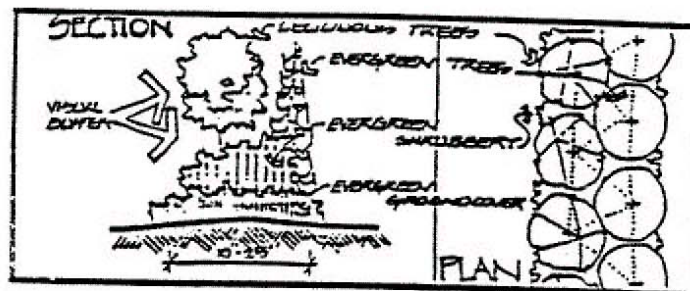
- A. Boundaries and dimensions of the site;
- B. Location and identification of all streets, alleys and easements on the site;
- C. Proposed location and dimensions of all on-site buildings;
- D. Proposed landscaping including species, and size at the time of planting;
- E. Existing vegetation;
- F. Details of any proposed architectural barriers;
- G. Locating of existing and proposed driveways and parking surfaces, curbs and sidewalks. (Prior code § 11.028.050)

17.88.060 Installation and performance bond requirements. Landscaping required pursuant to this chapter shall be installed in accordance with the approved site plan prior to the issuance of a certificate of occupancy for the project. The department, the board of adjustment, the planning commission, or the city council may require performance bonds or other appropriate security, including letters of credit and set aside letters, to insure that the landscaping will be installed and maintained for one year, according to the approved plan and specifications. (Prior code § 11.028.060)

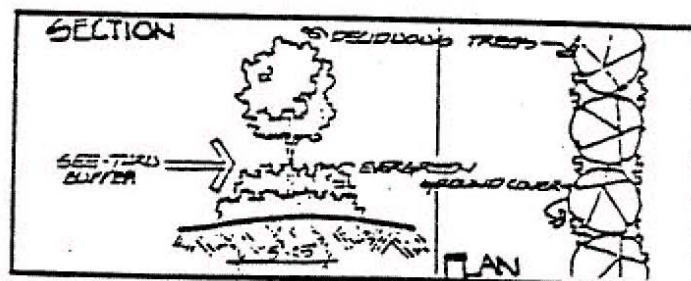
17.88.070 Maintenance and enforcement. All landscaped areas required by this chapter shall be planted according to accepted practice in good soil with a water source within seventy-five (75) feet, and maintained with respect to pruning, trimming, watering and other methods to create an attractive appearance and a healthy growing condition. Dead, diseased, stolen or vandalized plantings shall be replaced within three months. Property owners shall keep the planting area free of weeds and trash; lack of maintenance shall constitute a violation of this code. The department shall have the authority to enforce the standards set forth in this chapter and the conditions attached to all permits for development pursuant to application of this chapter, in accordance with the provisions of Chapter 17.96. (Prior code § 11.028.070)



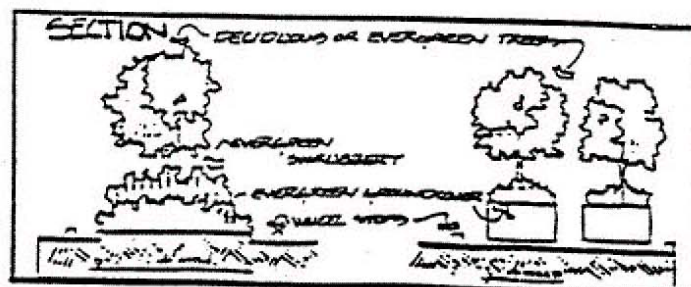
Type I. A visual screen with plantings chosen and spaced to grow together within three years sufficient to obscure sight through the screen.



Type II. A visual buffer to effectively screen views at eye level within three years. Trees are to be spaced so that branches touch within ten years.



Type III. A see-through buffer which permits relatively unobstructed views while providing benefits of landscaping.



Type IV. Open area landscaping, typically used in parking lots to provide shading and relief from paved areas.

TABLE L-2

REQUIRED LANDSCAPING

Buffer Type and Width

ZONE	ADJACENT ZONE	TYPE and WIDTH	
R-M, R-P	R-S	I	5'
	R-M, R-P	III	5'
	C-R, C-D, C-G, M-I	II	5'
	W-D, L-I, I	I	15'
C-R, C-D, C-G, M-I	R-S	I	10'
	R-M, R-P	II	5'
	C-R, C-D, C-G, M-I	III	5'
	W-D, L-I, I	II	10'
W-D, L-I, I	R-S	I	15'
	R-M, R-P	I	15'
	C-R, C-D, C-G, M-I	II	10'
	W-D, L-I, I	III	5'

Chapter 17.92

NONCONFORMITIES

Sections:

- 17.92.010 Applicability.**
- 17.92.020 Definitions.**
- 17.92.030 Nonconforming uses.**
- 17.92.040 Nonconforming structure regulations.**
- 17.92.050 Abandonment.**
- 17.92.060 Destruction and restoration.**
- 17.92.070 Conversion.**
- 17.92.080 Nonconforming lot regulations.**
- 17.92.090 Nonconforming recreational open space.**

17.92.010 Applicability. This chapter establishes regulations pertaining to any use, structure or parcel of land existing prior to the effective date of this code and does not conform to one or more of the regulations applicable to the district it is located. (Prior code § 11.029.010)

17.92.020 Definitions. As used in this chapter, the following terms are defined in this section:

"**Enlargement of a use**" means the expansion of or addition to a use by increasing the amount of land or building area which is devoted to the use.

"**Enlargement of structure**" means any action which increases the exterior dimensions of a structure.

"**Intensification**" means any action which results in an increase in the level of use or activity within a defined structure or area.

"**Nonconforming**" means any use, structure or parcel of land existing prior to the effective date of this code and does not conform to one or more of the regulations applicable to the district it is located. (Prior code § 11.029.020)

17.92.030 Nonconforming uses.

- A. A nonconforming use may be continued or enlarged provided that it conforms with the requirements of this chapter.
- B. Nonconforming single-family residences may be replaced with a single-family residence of a larger size; provided, that the replacement does not exceed setback and parking requirements. This subsection is subject to the limitations of Section 17.92.050 for abandonment.
- C. When a nonconforming single-family residence is replaced in a zone without setback requirements, the setbacks applicable to the single-family residential zoning district shall apply. (Prior code § 11.029.030)

17.92.040 Nonconforming structure regulations. Structures which are nonconforming with regard to yard, area, bulk, height or density may be maintained and repaired; provided, that said action does not increase the extent or degree of nonconformity. (Prior code § 11.029.040)

17.92.050 Abandonment. A nonconforming use which has been abandoned for a period of one year shall not be returned to use. A use shall be considered abandoned if the premises have not been maintained to the extent necessary to continue the use or where applicable permits, licenses or approvals necessary for the use have been allowed to lapse, regardless of the condition of the premises. (Prior code § 11.029.050)

17.92.060 Destruction and restoration.

- A. Except for single-family residences, a nonconforming structure or a structure containing a nonconforming use which is damaged or destroyed by accident, fire, explosion, natural disaster or public enemy, may apply for a conditional use permit to restore or replace the structure. The application must comply with the criteria in Section 17.68.060(B).
- B. A nonconforming single-family dwelling may be constructed without obtaining a conditional land use permit if the replacement does not create new nonconformities with respect setback and parking requirements. This subsection is subject to the abandonment criteria of Section 17.92.050. (Prior code § 11.029.060)

17.92.070 Conversion. A structure containing a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be granted upon finding that all of the following criteria have been met:

- A. No conforming use is practical because of the type of the building;
- B. The proposed use will be as compatible to surrounding uses as was the previous nonconforming use;
- C. The criteria in Section 17.68.060(B) for conditional land uses are met;
- D. The conversion does not violate the abandonment criteria of Section 17.92.050. The board of adjustment shall attach such conditions as are deemed necessary to assure compliance with the above findings to assure that the use will not become a nuisance or a hazard. (Prior code § 11.029.070)

17.92.080 Nonconforming lot regulations.

- A. A lot which was legally created under the terms of the land use and subdivision requirements prior to the effective date of this title but does not conform to the area and/or dimensional requirements currently applicable, shall be afforded the same status as a conforming lot.
- B. A lot that has been rendered nonconforming as to area and/or dimensional requirements after the establishment of this chapter by the result of a court order, condemnation by an entity with the power of eminent domain, or any other action which was not initiated, caused or promoted by the owner at the time of the division, shall be considered a conforming lot.
- C. A lot not covered in subsections (A) and (B) of this section but which does not conform to the area and/or dimensional requirements of this code may be afforded the same status as a conforming lot provided that a conditional use permit is approved by the board of adjustment. In considering the conditional use permit, the board shall make findings regarding all of the following criteria:

1. The current owner of the lot in question was an innocent purchaser for value or the successor thereof;
 2. No reasonable possibility of recombination with other portions of the original parcel from which the subject lot was divided existed at the time that the owner of the property received notice of the status of the lot;
 3. That the lot is otherwise reasonably capable of use under the requirements of all applicable regulations;
 4. That no reasonably available information indicates that a discrepancy or conflict exists with regard to the boundaries or ownership of the parcel;
 5. In addition, the board of adjustment shall have the authority to attach such conditions to ensure compatibility with uses in the vicinity.
- D. The provisions of subsections (A) and (B) of this section do not apply if two or more existing lots nonconforming as to area and/or dimensional requirements fall adjacent to one another, remain under common ownership, and could be developed as a single conforming parcel. (Prior code § 11.029.080)

17.92.090 Nonconforming recreational open space. Uses or structures established prior to the effective date of this chapter which do not meet the minimum recreational open space standards, shall not be considered nonconforming; provided, however, that if such recreational open space does exist on said property, it may not be reduced below the minimum standards currently required. (Prior code § 11.029.090)

Chapter 17.96

ADMINISTRATION AND ENFORCEMENT

Sections:

17.96.010	Purpose.
17.96.020	Compliance with the comprehensive development plan.
17.96.030	Conflict of provisions.
17.96.040	Severability.
17.96.050	Permit compliance with zoning requirements.
17.96.060	Enforcement by department.
17.96.070	Inspections.
17.96.080	Violation of this title.
17.96.090	Penalties and remedies for violations.
17.96.100	Order to stop work.
17.96.110	Actions brought prior to enactment of this title.
17.96.120	Effect of concomitant agreements.
17.96.130	Employees not personally liable for enforcement acts.
17.96.140	Performance bond required.
17.96.150	Official interpretations.
17.96.160	Fees.
17.96.170	Determining days for time limits in this title.

17.96.010 Purpose. This chapter establishes provisions for the interpretation, general administration and enforcement of the zoning land use regulations. (Prior code § 11.030.010)

17.96.020 Compliance with comprehensive development plan. Each decision or action of the city or its officials pursuant to the zoning regulations shall be made in compliance with the comprehensive development plan goals and policies. (Prior code § 11.030.020)

17.96.030 conflict of provisions. Should a conflict occur between the provisions of this title or between this title and the laws, regulations, codes or rules promulgated by other authority having jurisdiction within the city, the most restrictive requirement shall apply, except when constrained by federal or state law. (Prior code § 11.030.030)

17.96.040 Severability. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable. (Prior code § 11.030.040)

17.96.050 Permit compliance with zoning requirements. All building permits, temporary certificates of occupancy, or certificates of occupancy issued by the city of Aberdeen shall comply with this title. (Prior code § 11.030.050)

17.96.060 Enforcement by department. The planning and economic development department shall administer this title. The department is charged with the enforcement of the provisions of this title. (Prior code § 11.030.060)

17.96.070 Inspections. Whenever the department has reasonable cause to believe that there exists in any building or premises any condition nonconforming with this title, the department may enter such building or premises. If the building or premises is occupied, the department shall first present proper credentials and demand entry; and if the building or premises is unoccupied, the department shall first make reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused the department shall have recourse to secure entry. (Prior code § 11.03.070)

17.96.080 Violation of this title. It is unlawful for any person(s), firm, or corporation to take any action with any building or structure, utilize any property or subdivide any parcel in a manner not in conformance with any provision of this title. (Prior code § 11.030.080)

17.96.090 Penalties and remedies for violations.

- A. The city of Aberdeen, through its authorized agents, may initiate injunction, abatement proceedings or any other appropriate action in the courts against any person who violates or fails to comply with any provision of this title.
- B. Any person who violates or fails to comply with any provision of this title, or the owner of property upon which a violation of this title is located, shall be subject to a maximum penalty of five hundred dollars (\$500.00) for each day or portion of a day that the violation continues; provided, however, that an owner of property who has not perpetrated the violation shall be subject to penalty only if demand for abatement or alteration of the violation has been mailed to said owner at his/her last known address by registered mail, return receipt requested, and the demand has remained unmet for more than thirty (30) days.
- C. In addition to incurring civil liability under Section 17.96.090(B), the violation of or failure to comply with any of the provisions of this title is a misdemeanor and, upon conviction, a violator shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and/or by imprisonment in the city or county jail for not more than ninety (90) days for each separate offense. Each day or portion thereof upon which a violation appears constitutes a separate offense. (Prior code § 11.030.090)

17.96.100 Order to stop work. Whenever any building or premises is being constructed contrary to the provisions of this title, the department may order the work stopped by notice in writing served on the legal or equitable property owner or any person causing such work to be done. Work shall remain stopped until such time that the structure or use is made in compliance with this title and the department authorizes that work may proceed. (Prior code § 11.030.100)

17.96.110 Actions brought prior to enactment of this title. Enforcement of an action brought by the city under zoning provisions existing prior to the enactment of this title shall not be affected by enactment of this title nor shall the rights of parties to such action be affected. (Prior code § 11.030.110)

17.96.120 Effect of concomitant agreements. All concomitant agreements or contract rezones entered into between the city of Aberdeen and owners of property within the city prior to the effective date of this title shall remain in effect following the effective date of this title. (Prior code § 11.030.120)

17.96.130 Employees not personally liable for enforcement acts. Any employee charged with the enforcement of this title, acting in good faith and without malice for the city in the discharge of duties, shall not render himself/herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties. Any suit brought against the employee, because of such act or omission performed by him/her in the enforcement of any provisions of this title, shall be defended by the city until final termination of the proceedings. (Prior code § 11.030.130)

17.96.140 Performance bond required.

- A. Where authorized by this title, the permit issuing authority may require a bond to ensure compliance with any requirements. The bond may be a non-revocable letter of credit, set-aside letter, assignment of funds, certificate of deposit, deposit account, or other accessible source of funds in a form acceptable to the city. Interest from any interest-bearing form of bond will accrue to the benefit of the depositor. The bond shall specify the date and time by which the work which it guarantees shall be completed and state the date and time by which the city can negotiate the bond to obtain the funds to do the work it guarantees. In all cases the date and time for bond negotiation shall be at least sixty (60) days after the deadline.
- B. The amount of the bond shall be calculated on the following basis as follows:
 - 1. The amount will be one hundred fifty (150) percent of the cost of the work or improvements and shall be based on estimated costs immediately following the expiration of the bond together with the city's cost of obtaining funds from the bond and administering the project.
 - 2. A maintenance bond will not be less than twenty (20) percent of the cost of replacing the improvement covered by the bond based on estimated costs on the last day covered by the bond together with the city's cost of obtaining funds from the bond and administering the project.
- C. In each case where the city requires or allows an applicant to establish a bond, the owner of subject property shall give the city a signed, notarized, irrevocable license to run with the property to allow the employees, agents or contractors of the city to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the bond. The applicant shall file this license with the department.
- D. After the work or improvements covered by a performance bond have been completed to the satisfaction of the city or at the end of the time covered by a maintenance bond, the applicant may request the city to release the bond. The city shall release such bond as expeditiously as possible after receipt of a request for release.

- E. If during the period of time covered by a bond the department determines that the work or improvements have not been complied with, the applicant will be notified. The notice must include the following information:
 - 1. The work that must be done or the improvement that must be made to comply with the requirements and the bond;
 - 2. The amount of time that the applicant has to commence and complete the required work or improvements;
 - 3. That, if the work or improvements are not commenced and completed within the time specified, the city will use the proceeds of the bond to have the required work or improvements completed.
- F. If the work or improvements covered by the bond are not completed within the time specified in the notice provided under subsection (E) of this section, the city shall obtain the proceeds of the bond to perform the necessary work or improvements. The property owner is responsible for all costs incurred by the city. Upon completion, the city shall release or refund any proceeds of a performance bond after subtracting all costs involved. The owner of subject property shall reimburse the city for any amount expended by the city that exceeds the proceeds of the bond. The city shall retain a lien against the subject property for the amount of any excess.
- G. In each case where the city uses any of the proceeds of the bond, it shall give the owner of the subject property an itemized statement of all proceeds and funds used. (Prior code § 11.030.140)

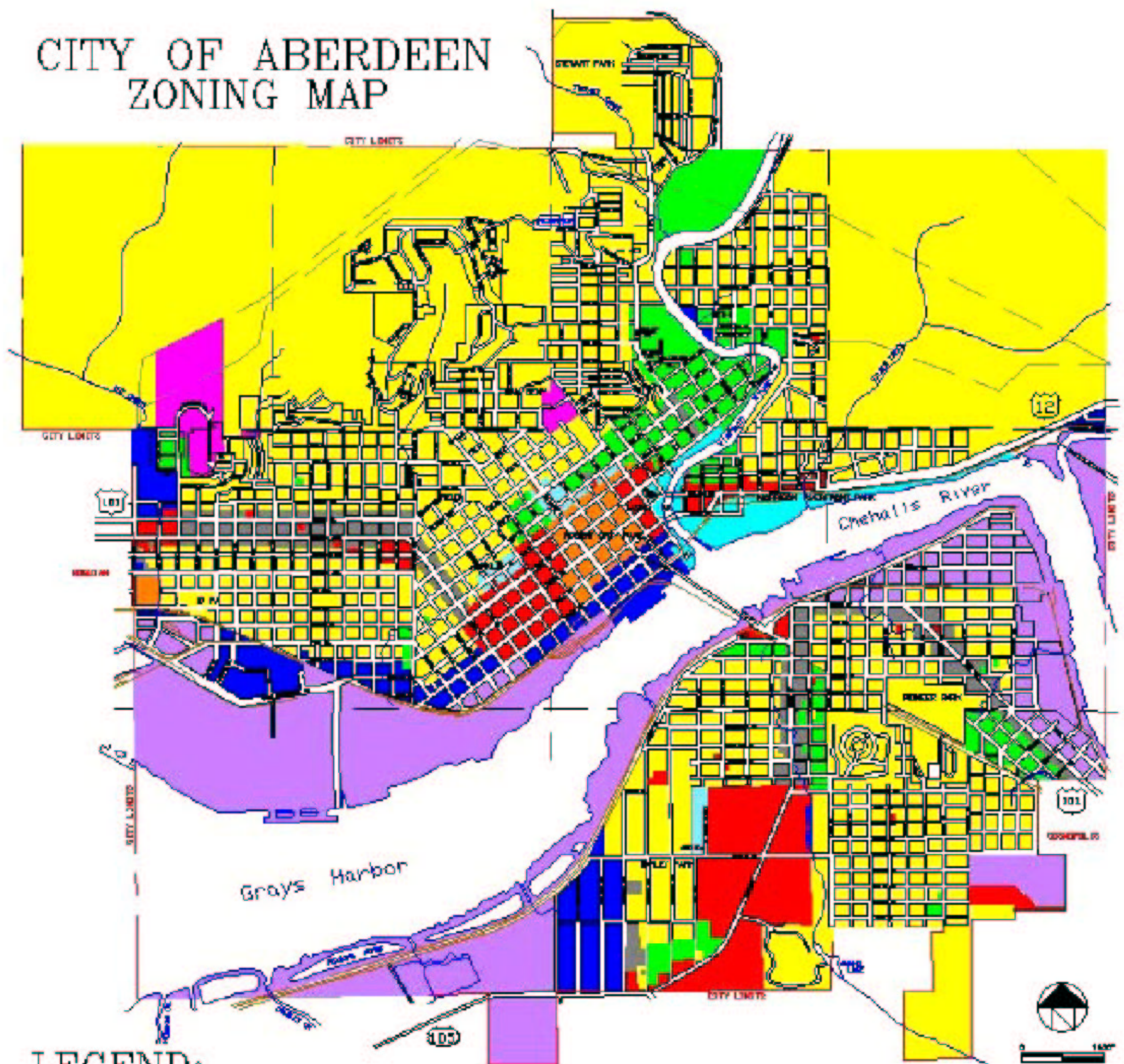
17.96.150 Official interpretations. The department shall be responsible for interpreting this title, tables and maps. Requests for an official interpretation may be made in writing to the department. All official interpretations shall be in writing and copies of the interpretations shall be maintained by the department. All interpretations may be appealed to the board of adjustment as provided in Chapter 17.76. (Prior code § 11.030.150)

17.96.160 Fees. The Aberdeen city council shall be empowered to set all fees authorized by this title by resolution, except fees for sending notices of applications to persons requesting notice which shall be set by the department. (Prior code § 11.030.160)

17.96.170 Determining days for time limits in this title.

- A. "Day" means a calendar day beginning at midnight and ending on the following midnight.
- B. When counting the number of days for notices required by this title, the day a notice is mailed, posted or published is not counted by the day of the hearing is counted.
- C. When counting the number of days or years for other time limits established by this title, the day a decision is made is not counted in the time limit. (Prior code § 11.030.170)

CITY OF ABERDEEN ZONING MAP



LEGEND:

 RS SINGLE FAMILY RESIDENTIAL	 CG GENERAL COMMERCIAL
 RM MULTIPLE FAMILY RESIDENTIAL	 MI MAJOR INSTITUTIONAL
 RP RESIDENTIAL PROFESSIONAL	 LI LIGHT INDUSTRIAL
 CR COMMERCIAL/RESIDENTIAL	 I INDUSTRIAL
 CD DOWNTOWN COMMERCIAL	 WD WATERFRONT DEVELOPMENT



The accuracy of this map may be subject to zoning changes, please check with the City of Aberdeen for actual zoning decisions and accuracy.

Revised 8/04